

CAPISTRANO UNIFIED SCHOOL DISTRICT
BOARD OF TRUSTEES
MINUTES – REGULAR MEETING
AUGUST 24, 2011
EDUCATION CENTER – BOARD ROOM

President Brick called the meeting to order at 5:30 p.m. The Board recessed to closed session to: discuss Public Employee Discipline/Dismissal/Release; confer with Legal Counsel regarding Existing Litigation (3 cases); discuss CSEA/CUEA/CUMA/Teamsters negotiations; and discuss Public Employee Performance Evaluation.

Trustee Alpay arrived in closed session at 6:40 p.m.

The regular meeting of the Board reconvened to open session and was called to order by President Brick at 7:05 p.m.

The Pledge of Allegiance was led by President Brick.

Present: Trustees Addonizio, Alpay, Brick, Bryson, Hatton, Palazzo, and Pritchard

A CD of the Board meeting discussion related to each of the items on the public agenda is on file in the Superintendent's Office as a matter of the permanent record. An audio recording of the meeting is available on the District website: www.capousd.org **Permanent Record**

It was moved by Trustee Bryson, seconded by Trustee Pritchard, and motion carried unanimously to adopt the Board agenda. **Adoption of the Board Agenda**

President Brick asked Vice President Pritchard to facilitate the meeting. **President's Announcement**

Trustee Pritchard reported the following action taken during closed session: **President's Report From Closed Session Meeting**

Agenda Item #3 A – Level 4 Parent Appeal:

The Board voted by a 5-1 vote to approve staff recommendation.

AYES: Trustees Brick, Bryson, Hatton, Palazzo, and Pritchard
NOES: Trustee Addonizio
ABSENT: Trustee Alpay

Agenda Item #3 B – Public Employee Discipline/Dismissal/Release: No action was taken.

Agenda Item #3 C – Public Employee Appointment/Employment:

This item was pulled from the agenda.

Agenda Item #3 D1 – Conference with Legal Counsel – Existing Litigation: Reardon v. Capistrano Unified School District

No action was taken.

Agenda Item #3 D2 – Conference with Legal Counsel – Existing Litigation: Whispering Hills v. Capistrano Unified School District

The Board gave direction to legal counsel.

Agenda Item #3 E – Conference with Legal Counsel – Existing Litigation: Liability Case No. SACV 11-01024/ASCIP No. 11-94942 JW

No action was taken.

Victoria Jakovich and Sheila Sharifi of the Capistrano Academic Resources to Education (CARE) Foundation presented a check for \$7,000 donated by Southern California Edison designated for Fraction Nation Site Licenses.

**Special
Recognitions**

Trustee Hatton thanked the CARE Foundation for working so hard for the District and stated it was an honor for her to serve as the Trustee representative on the Foundation's board.

**Board and
Superintendent
Comments**

Trustee Bryson commented while she was visiting Santa Fe, New Mexico, she met with the state superintendent and discussed educating English Learners (EL) and Latino students. Trustee Bryson invited the state superintendent to visit the District to see the success it is experiencing educating EL students in our schools. Trustee Bryson added she also met with a nuclear statistician who is interested in bringing a student program to the District. Dr. Farley, Jodee Brentlinger, George Duarte, and Attorney Dan Shinoff were commended for how well they addressed and answered questions at the San Clemente High School meeting regarding the football coaching issue.

As specified in Board Bylaw 9323 for Oral Communications, each speaker was allowed three (3) minutes to speak.

**Oral
Communications**

The following speakers addressed the Board:

- *Marilyn O'Brien invited Trustees to attend the League of Women Voters' meeting on September 14 to participate in a nationwide study of the federal role in education.*
- *Gila Jones stated the volunteer information website page was intimidating to parents who wished to volunteer and gave Trustees her written suggestions for making the page more welcoming.*
- *Victoria Jakovich announced the CARE Foundation's Taste for Education fundraising event on October 13 and encouraged Trustees to attend.*

DISCUSSION/ACTION

Deputy Superintendent Ron Lebs presented a PowerPoint overview and summary budget for the District's ten Community Facilities Districts (CFDs). Mr. Lebs stated the Mello-Roos Community Facilities Act of 1982 authorizes local governments, including school districts, to establish CFDs for the purpose of selling tax-exempt bonds to fund public improvements. The Act allows the District to establish CFDs, sell tax-exempt bonds therein, and levy annual taxes for the purpose of financing public services and acquiring and constructing new facilities. Each CFD has several funds and accounts within it for both revenue and expenditures that are the responsibility of the respective CFD. Mr. Lebs stated whereas this item focuses only on the CFD budgets, staff is preparing a "CFD/Mello Roos 101" presentation for the September 26 Board meeting to give Trustees a better understanding of CFDs.

**Community
Facilities District
Budgets
Agenda Item 1**

Trustee Addonizio requested staff provide Trustees with CFD balance sheets.

Following discussion, it was moved by Trustee Addonizio, seconded by Trustee Bryson, and motion carried unanimously to approve the 2011-2012 fiscal year budgets for CFD Nos. 87-1, 88-1, 90-1, 90-2, 90-2 IA, 92-1, 94-1, 98-1A, 98-2, and 2004-1.

Superintendent Joseph Farley explained this item provides the Board an opportunity to discuss changing the name of West View Academy as requested by Trustees at the last Board meeting. Superintendent Farley stated Assistant Superintendent Julie Hatchel and Principal Rob Nye would present a report on the status and short- and long-term plans for West View Academy and its programs following Trustees' discussion and consideration of a name change. Trustee Hatton commented on the importance of a name as a marketing tool. Trustee Alpay requested the formation of a subcommittee to select an alternative name for Board consideration at the next meeting. Trustee Addonizio suggested the Board listen to the staff's presentation to assist it with a decision regarding the name of the school. Mrs. Hatchel began by providing an overview of the vision and goals for the school. Dr. Nye presented a PowerPoint covering the program's description, benefits, and progress to date. Dr. Nye also shared the process taken by the subcommittee to select the name West View Academy.

**West View
Academy Update.
Name Change
Consideration
Agenda Item 2**

Following discussion, it was moved by Trustee Alpay, seconded by Trustee Bryson, and motion carried by a 5-2 vote to approve forming a Trustee subcommittee to reconsider the name of West View Academy.

AYES: Trustees Alpay, Brick, Bryson, Hatton, and Pritchard
NOES: Trustees Addonizio and Palazzo
ABSENT: None
ABSTAIN: None

A secondary motion was made by Trustee Alpay, seconded by Trustee Bryson, and motion carried by a 5-2 vote to approve a subcommittee consisting of Trustees Alpay, Bryson, and Hatton to bring back a recommendation for a potential name change to the next Board meeting.

AYES: Trustees Alpay, Brick, Bryson, Hatton, and Pritchard
NOES: Trustees Addonizio and Palazzo
ABSENT: None
ABSTAIN: None

Deputy Superintendent Ron Lebs introduced Executive Director Randy Rowles to present an update on the Compressed Natural Gas (CNG) dispenser project at the Aliso Viejo Transportation Center. The fueling dispenser is planned to serve the existing low-emitting CNG buses operated by the District and currently fueled at an off-site location in Irvine.

**Update on Natural
Gas Dispenser
Project
Agenda Item 3**

Mr. Rowles stated the District began planning the CNG dispenser through coordinated efforts with the Southern California Gas Company in 2006-2007. As a condition of approval, the City of Aliso Viejo requires a conditional use permit along with an environmental assessment. The City of Aliso Viejo, in conjunction with the adjacent neighboring property owner (Temple Beth El), expressed concerns regarding the proximity of the proposed dispenser to the property line, and the District coordinated with the gas company to explore the relocation of the dispenser. The District is revising the studies and plan for the CNG dispenser at a new location farther to the east of the project. The city and temple requested the District investigate the safety risks of the project. An exhaustive study was initiated to analyze the storage, fueling, and transportation of the CNG on the site. Staff is reviewing the data but the initial report stated there is no safety risk. A meeting is scheduled in September with city and temple representatives, the design team, and risk consultants to discuss the results of the risk analysis, address concerns, and discuss the project. The remaining tasks for the completion of the CNG dispenser project include: revisions and completion of the environmental documents; continued processing of the conditional use permit with the City of Aliso Viejo; re-design and construction of the facility; project approval from the City of Aliso Viejo in October; Board approval of a request for bid in November; Board approval to award the bid in December; begin construction in February; and complete the project in the summer of 2012.

Trustee Bryson asked staff to prepare an analysis of the cost of fueling buses in Irvine and then share the data with the Aliso Viejo City Council, emphasizing the drain on funds that could be used in the classroom. Trustee Alpay requested staff provide Trustees with the existing legal opinion about having to follow city regulations on non-DSA projects.

This was an information/discussion item only.

Deputy Superintendent Ron Lebs introduced Director Terry Fluent who assisted in the presentation. Mr. Lebs explained the 2010 Census created a need to look at reapportioning Trustee boundaries, and the passage of Measure H, moved the District from an at-large election of Trustees, to an election of Trustees by geographic areas, creating the need to rebalance and reapportion the areas by the 2012 election. The census data/Trustee area analysis, coupled with the requirement to establish geographic Trustee election districts, created the need for specialized professional demographic services. In response, the District issued RFQ No. 9-1011, Demographic Consultant Services, to secure proposals from qualified demographers to perform not only the work necessitated by the 2010 Census, but also to perform a variety of demographic and enrollment services on an as-needed.

**Demographic
Consulting Services
Agenda Item 4**

Mr. Lebs stated staff is recommending the award of contracts to two firms. One contract is from a combination of two firms, DecisionInsite and Dolinka Group to assist the Board in reapportioning Trustee areas. The second, Davis Demographics, will provide services for demographic analysis, Districtwide and school-specific enrollment projections, attendance boundary analysis and adjustment, student yield analysis vs. housing turnover studies, residential development activity reports, and mapping. Mr. Lebs asked Mrs. Fluent to explain the Request for Qualification (RFQ) process leading to the recommendation of the firms.

It was moved by Trustee Addonizio, seconded by Trustee Bryson, to approve the award of RFQ for demographic consultant services to Davis Demographics & Planning, Incorporated, DecisionInsite, LLC and Dolinka Group, LLC.

Prior to the vote Trustee Palazzo voiced concerns about the date the analysis needs to be completed and the timeline for presentation to the County Committee for approval. Mr. Lebs stated once the RFQ is approved he would meet with the firms and develop a timeline to complete the work by March 1. Trustee Palazzo directed staff to research the dates of the County Committee meetings.

Trustee Alpay expressed concerns regarding the selection and qualifications of the demographers recommended for the methodology analysis (reapportioning Trustee areas) and questioned staff regarding advertising, the RFQ process, and number of responses the District received for the RFQ. Trustee Alpay stated he didn't want the Board to rush into approving the RFQ due to the short timeline and then regret the decision.

Following discussion, Trustee Alpay made a substitute motion. It was moved by Trustee Alpay, seconded by Trustee Hatton, and motion carried by a 4-3 vote to bifurcate the bid and resend the RFQ out.

Trustee Alpay requested a roll call vote.

ROLL CALL:	AYES:	Trustees Alpay, Brick, Hatton, and Pritchard
	NOES:	Trustees Addonizio, Bryson, and Palazzo
	ABSENT:	None
	ABSTAIN:	None

Trustee Pritchard asked Trustees for items they wished to pull from the Consent Calendar. Items #6 and #12 were pulled.

**Items Pulled from
the Consent
Calendar**

CONSENT CALENDAR

It was moved by Trustee Alpay, seconded by Trustee Bryson, and motion carried unanimously to approve the following Consent Calendar items:

Minutes of the July 27, 2011, regular Board meeting and August 8, 2011, regular Board meeting.	Minutes Agenda Item 5
Carl Perkins Career and Technical Education Improvement Act funding application.	Carl Perkins Application Agenda Item 7
Resolution No. 1112-11, Acceptance of 2011-2012 California State Funded Preschool contract.	Preschool Contract Agenda Item 8
Staff development training, Frances Kramer.	Independent Contractor Agreement Agenda Item 9
Actuarial and benefits advisory services, Grant Thornton.	Independent Contractor Agreement Agenda Item 10
Staff development training, Helen B. Tross.	Independent Contractor Agreement Agenda Item 11
Evaluation services for After School Education and Safety program, Dr. Patricia Beyer.	Independent Contractor Agreement Agenda Item 13
Larry M. Simmons High School-Bodega, a non-public school.	Master Contract Agenda Item 14
Larry M. Simmons High School-Kiva, a non-public school.	Master Contract Agreement Agenda Item 15
Oak Grove-Jack Weaver School, a non-public school.	Master Contract Agenda Item 16
Pliha Speech and Learning Center, a non-public agency.	Master Contract Agenda Item 17
This item was pulled from the agenda after printing.	Joint Facility Use Agreement Agenda Item 18
Use of Tijeras Creek Park with SAMLARC.	Limited Use Agreement Agenda Item 19
Inside the Outdoors School Program, Orange County Department of Education.	Participation Agreement Agenda Item 20

Inside the Outdoors Field Program, Orange County Department of Education	Participation Agreement Agenda Item 21
Resident Outdoor Science School facilities, supplies, equipment, and services.	Use Agreement Agenda Item 22
Fiscal Crisis and Management Assistance Team.	Study Agreement Agenda Item 23
Fiscal and financial management consulting services, Vavrinek, Trine, Day & Company, LLP.	Extension Agreement Agenda Item 24
Vehicle maintenance and driver training services, Anneliese's School.	Extension Agreement Agenda Item 25
Vehicle maintenance and driver training services, JSERRA.	Extension Agreement Agenda Item 26
Award of Bid No. 1112-07, Pizza, Service, Domino's Pizza.	Pizza Service Agenda Item 27
Requests for Qualifications No. 4-1112, Specialized Transportation Services.	Specialized Transportation Services Agenda Item 28
Rejection of Bid No. 1112-08, Concrete Maintenance and Repair.	Bid Rejection Agenda Item 29
Piggyback with the County of Orange Contract MA-080-12010167, Air Conditioning, Refrigeration Equipment, Parts, and Supplies, Pritchard Supply, Incorporated dba Johnstone Supply, United Refrigeration Incorporation.	Air Conditioning, Refrigeration Equipment, Parts, and Supplies Agenda Item 30
Correction to Board Policy 4313, <i>Management, Supervisory, Confidential Service Days</i> .	Board Policy Correction Agenda Item 31
ROLL CALL: AYES: Trustees Addonizio, Alpay, Brick, Bryson, Hatton, Palazzo, and Pritchard NOES: None ABSENT: None ABSTAIN: None	
Trustee Addonizio stated she would prefer the District hire a consultant with a credential for this position. Superintendent Farley reported this position is funded by a grant from the City of Dana Point and the consultant is the same person the city hired last year. Superintendent Farley added the position is supervised by the principal of the school and the city.	Memorandum of Understanding Agenda Item 6
Trustee Bryson requested staff provide Trustees with statistics on Dana Hills High School students' drug awareness prior to the city providing a school intervention program consultant.	

It was moved by Trustee Alpay, seconded by Trustee Hatton, and motion carried by 5-2 vote to approve the Memorandum of Understand with the City of Dana Point for the School Intervention Program and intervention consultant at Dana Hills High School.

AYES: Trustees Alpay, Brick, Bryson, Hatton, and Pritchard
NOES: Trustees Addonizio and Palazzo
ABSENT: None
ABSTAIN: None

Trustee Hatton asked staff for clarification on the fee for this service. Assistant Superintendent Julie Hatchel reported she would need to research and report back to Trustees.

**Independent
Contractor
Agreement
Agenda Item 12**

It was moved by Trustee Hatton, seconded by Trustee Alpay, and motion carried unanimously to continue the literacy training for Special Education Teachers Professional Development program, Educational Consulting Services, Incorporated, to the next Board meeting.

The Board recessed at 9:06 p.m. to continue discussion on the remaining closed session items.

The Board reconvened at 9:34 p.m. and Trustee Pritchard reported the following action taken during closed session:

**President's Report
From Closed
Session Meeting**

Agenda Item #3 F – CSEA/CUEA/CUMA/Teamsters Negotiations: The Board gave direction to staff.

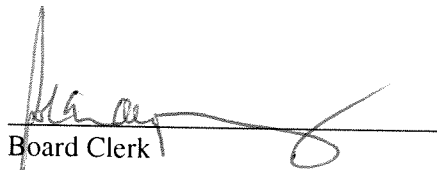
Agenda Item #3 G – Public Employee Performance Evaluation – Superintendent:

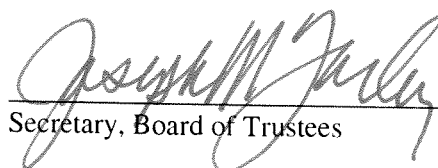
No action was taken.

It was moved by Trustee Bryson, seconded by Trustee Addonizio, and motion carried unanimously to adjourn the meeting.

Adjournment

Vice President Pritchard announced the meeting adjourned at 9:35 p.m.


Board Clerk


Secretary, Board of Trustees

Minutes submitted by Jane Boos, Manager, Board Office Operations