

CAPISTRANO UNIFIED SCHOOL DISTRICT
BOARD OF TRUSTEES
MINUTES OF REGULAR MEETING
September 28, 2016
EDUCATION CENTER – BOARD ROOM

Vice President Reardon called the meeting to order at 5:30 p.m.

**Call to Order/
Adjourn to Closed
Session**

At 5:30 p.m. the Board recessed to closed session to discuss: Conference with Legal Counsel - Anticipated Litigation; Existing Litigation; Public Employee Discipline/Dismissal/Release; and Liability Claims.

The regular meeting of the Board reconvened to open session and was called to order by President Hanacek at 7:07 p.m.

ROLL CALL:

Present: Trustees Alpay, Hanacek, Hatton-Hodson, Jones, McNicholas, Reardon, and Student Advisor Quinn Darling

Absent: Pritchard

The Pledge of Allegiance was led by Principal of Aliso Niguel High School, Deni Christensen.

**Pledge of
Allegiance**

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 McNicholas, seconded by Trustee Alpay and motion carried by a 6-0-1 vote to adopt the Board agenda.

**Adoption of the
Board Agenda**

AYES: Trustees Alpay, Hanacek, Hatton-Hodson, Jones, McNicholas and Reardon

NOES: None

ABSENT: Pritchard

Student Advisor Darling voted Aye to adopt the Board agenda.

President Hanacek reported the following action taken during closed session:

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

Agenda Item #3A-1 - Conference with Legal Counsel – Anticipated Litigation

Trustees vote 6-0-1 to approve IDR Case Numbers 20160208, 20160614, 20160624 and 20160830.

AYES: Trustees Alpay, Hanacek, Hatton-Hodson, Jones, McNicholas and Reardon

NOES: None

ABSENT: Trustee Pritchard

Agenda Item #3B-1 – Conference with Legal Counsel – Existing Litigation

Trustee Reardon recused himself from this item.

Trustees vote 5-0-1-1 to approve OAH Case Number 2016050499.

AYES: Trustees Alpay, Hanacek, Hatton-Hodson, Jones and

McNicholas
NOES: None
ABSENT: Trustee Pritchard
ABSTAIN: Trustee Reardon

Agenda Items #3B-2 through #3B-6 – Conference with Legal Counsel – Existing Litigation

Trustees vote 6-0-1 to approve OAH Case Numbers 2016061309, 2016070718, 2016071099, 2016080217 and 2016080290.

AYES: Trustees Alpay, Hanacek, Hatton-Hodson, Jones, McNicholas and Reardon
NOES: None
ABSENT: Trustee Pritchard

Agenda Item #3C – Public Employee Discipline/Dismissal/Release

No Reportable Action.

Extra Miler

Master Sergio Cardenas and Lisa Grossman for their commitment to the children of the District and support of the GRIP program.

**Special
Recognitions**

Associated Student Body

*Aliso Niguel High School
Deni Christensen, Principal
Ann Zendner, Director of Student Activities
Max Eunice, Associated Student Body President*

Superintendent Vital reported on various school visits and the activities of the past two weeks. She visited Concordia Elementary School and attended the Second Annual College Fair at San Juan Hills High School where more than 7,000 students and families attended.

**Board and
Superintendent
Comments**

Superintendent Vital celebrated sixteen students who were selected to participate in the Monarch Beach Hospitality Academy. An official red ribbon cutting ceremony will be held in October.

Following discussion, it was moved by Trustee McNicholas, seconded by Trustee Reardon and motion carried by a 6-0-1 vote to allow each speaker 3 minutes to discuss their Oral Communication topic.

**Oral
Communications**

The following speakers addressed the Board:

- Sally White spoke regarding a recall effort.
- Peter Chance spoke to thank the Board for their work in the District.
- Michael Pratt spoke regarding the Mandarin Immersion Program.
- Danielle Mosh spoke regarding the Mandarin Immersion Program.
- Cindy Vallone spoke regarding GATE.
- Michele Ploessel-Campbell spoke regarding Ticket to Read implementation.

- Dawn Urbaneck spoke regarding conflict of interest.
- Katie Nichol spoke regarding the Mandarin Immersion Program.
- Lindsey Dennison spoke regarding the Mandarin Immersion Program.
- Kim Sprague spoke regarding conflict of interest legal fees.

PUBLIC HEARINGS

President Hanacek announced the Public Hearing open at 8:02 p.m. to hear Resolution No. 1617-39, Statement of Assurance for Instructional Materials Realignment Fund, Fiscal Year 2016-2017.

**Resolution No.
1617-39, Statement
of Assurance for
Instructional
Materials
Realignment Fund,
Fiscal Year 2016-
2017
Agenda Item 1**

With no public speakers, President Hanacek declared the Public Hearing closed at 8:02 p.m.

CONSENT CALENDAR

All matters listed under the Consent Calendar are considered by the Board to be routine and will be enacted by the Board in one motion in the form listed below. There will be no discussion of these items prior to the time the Board votes on the motion unless members of the Board, staff, or the public request specific items to be discussed and/or removed from the Consent Calendar. The Superintendent and the staff recommend approval of all Consent Calendar items.

President Hanacek asked Trustees for Items they wished to pull from the Consent Calendar. Trustee Alpay requested to pull Item 22. Trustee Reardon requested to pull Item 4 and Items 10 through 14.

**Items Pulled from
the Consent
Calendar**

It was moved by Trustee Alpay, seconded by Trustee McNicholas, and motion carried by a 6-0-1 Roll Call vote to approve the following Consent Calendar, with the exception of Item 4, Items 10 through 12, and Item 22.

AYES: Trustee Alpay, Hanacek, Hatton-Hodson, Jones, McNicholas,
and Reardon
NOES: None
ABSENT: Pritchard

Student Advisor Darling voted Aye to approve the Consent Calendar with the exception of the pulled items.

Approval of donations of funds and equipment.

**Donation of Funds
and Equipment
Agenda Item 2**

Approval of purchase orders and commercial warrants.

**Purchase Orders,
Commercial
Warrants and
Previously Board-
Approved Bids and**

**Contracts.
Agenda Item 3**

Approval of Amendment No. 1 to the Lease Agreement with SchoolsFirst Federal Credit Union, formerly Orange County Teachers Federal Credit Union, a Non-Profit Financial Institution dated April 24, 2006.

**Amendment No. 1
to Lease
Agreement with
SchoolsFirst
Federal Credit
Union
Agenda Item 5**

Approval of Amendment No. 1 to Agreement for Architectural and Related Services with HMC Group for the San Juan Hills High School Classroom Addition project.

**Amendment No. 1
Agreement for
Architectural and
Related Services,
San Juan Hills
High School
Classroom
Addition - HMC
Group
Agenda Item 6**

Approval of Amendment No. 1 to Agreement for Architectural and Related Services with HMC Group for the Tesoro High School Classroom Addition project. Services include architectural, civil and electrical engineering, and landscape design.

**Amendment No. 1
Agreement for
Architectural and
Related Services,
Tesoro High
School Classroom
Addition - HMC
Group
Agenda Item 7**

Approval of the Award of Bid No. 1617-05, Fresh Produce (Fruits & Vegetables) Products and Services to Val-Pro dba Valley Fruit & Produce Co.

**Award Bid No.
1617-05, Fresh
Produce (Fruits &
Vegetables)
Products and
Services – Val-Pro,
Inc., Dba Valley
Fruit & Produce
Co.
Agenda Item 8**

Approval of Extension No. 2 of Agreement Bid No. 1415-02, Outsource Transportation Service, with American Logistics Company, LLC.

**Extension No. 2 of
Bid No. 1415-02,
Outsource
Transportation
Service – American
Logistics
Company, LLC**

Agenda Item 9

Approval of State of California Multiple Award Schedule (CMAS) Contract Nos. 3-14-70-3108A and 3-15-70-3108B, General Services Administration schedule GS-35F-0511T, for the purchase and warranty of hardware and software, software maintenance as a product and installation from EC America, Incorporated dba Epic Machines, Incorporated.

**State of California
Multiple Award
Schedule Contract
Nos. 3-14-70-3108a
And 3-15-70-3108b
General Services
Administration
Schedule No. Gs-
35f-0511t,
Information
Technology Goods
and Services – Ec
America,
Incorporated Dba
Epic Machines,
Incorporated
Agenda Item 15**

Approval of the Award of Bid No. 1617-01, San Juan Hills High School Building J to the lowest bidder.

**Award Bid No.
1617-01, San Juan
Hills High School
Building J –
Lowest Bidder
Agenda Item 16**

Approval of the Award of Bid No. 1516-10, San Clemente High School Building 800 to the lowest bidder.

**Award Bid No.
1516-10, San
Clemente High
School Building
800 – Lowest
Bidder
Agenda Item 17**

Approval of the Memorandum of Understanding (MOU) with Santa Ana Unified School District (SAUSD) to provide special education Deaf and Hard of Hearing programs and services for District students referred by their Individualized Education Program (IEP) team.

**Memorandum of
Understanding
with Santa Ana
Unified School
District
Agenda Item 18**

Approval of the activity list for employment, separation and additional assignments of classified employees.

**Resignations/
Retirements/
Employment –
Classified
Employees
Agenda Item 19**

Approval of the activity list for employment, separation, and additional assignments

Resignations/

of certificated employees.

**Retirements/
 Employment –
 Certificated
 Employees
 Agenda Item 20**

Approval of the June 22, 2016 Regular Board Meeting minutes.

**School Board
 Minutes
 Agenda Item 21**

DISCUSSION/ACTION ITEMS

President Hanacek recognized Kirsten Vital, Superintendent and the Executive Cabinet to present information on this item and answer any questions Trustees may have.

**Presentation
 Regarding
 Upcoming Goals
 for 2016-2017
 School Year
 Agenda Item 23**

This is an information item only and no Board action was necessary.

President Hanacek recognized Clark Hampton, Deputy Superintendent, Business and Support Services to present information on this item and answer any questions Trustees may have.

**Update on
 Financings for
 Community
 Facilities Districts
 Agenda Item 24**

This is an information item only and no Board action was necessary.

Trustee Reardon directed staff to review the Community Facilities District (CFD) documents for Whispering Hills regarding funding eligibility for Harold Ambuehl Elementary School.

Trustee Alpay directed staff to prepare a Board Update for Trustees regarding the transferring of CFD 2002-1 to the City of San Clemente.

President Hanacek recognized Susan Holliday, Associate Superintendent, Education Services to present this item.

**Resolution No.
 1617-39, Statement
 of Assurance for
 Instructional
 Materials
 Realignment Fund,
 Fiscal Year 2016-
 2017
 Agenda Item 25**

Following discussion, it was moved by Trustee Alpay, seconded by Trustee Reardon and motion carried by a 6-0-1 Roll Call vote to adopt Resolution No. 1617-39, Statement of Assurance for Instructional Materials Realignment Fund, Fiscal Year 2016-2017.

AYES: Trustee Alpay, Hanacek, Hatton-Hodson, Jones, McNicholas, and Reardon
 NOES: None
 ABSENT: Pritchard

Student Advisor Darling voted Aye to adopt Resolution No. 1617-39, Statement of Assurance for Instructional Materials Realignment Fund, Fiscal Year 2016-2017.

President Hanacek recognized Clark Hampton, Deputy Superintendent, Business and Support Services to present this item.

**Resolution No.
 1617-40**

Following discussion, it was moved by Trustee Alpay, seconded by Trustee Hanacek and motion carried by a 6-0-1 Roll Call vote to adopt Resolution No. 1617-40 Community Facilities District No. 87-1 of the Capistrano Unified School District (Mission Viejo/Aliso Viejo). Dissolving Community Facilities District No. 87-1 Approving Recordation of Notice of Cessation of Special Tax.

AYES: Trustee Alpay, Hanacek, Hatton-Hodson, Jones, McNicholas, and Reardon
NOES: None
ABSENT: Pritchard

Student Advisor Darling voted Aye to adopt Resolution No. 1617-40 Community Facilities District No. 87-1 of the Capistrano Unified School District (Mission Viejo/Aliso Viejo). Dissolving Community Facilities District No. 87-1 Approving Recordation of Notice of Cessation of Special Tax.

Trustee Alpay directed Superintendent Vital to send the Notice of Cessation of Special Tax to the City of Mission Viejo and the City of Aliso Viejo.

President Hanacek recognized Clark Hampton, Deputy Superintendent, Business and Support Services to present this item.

Following discussion, it was moved by Trustee Reardon, seconded by Trustee Alpay and motion carried by a 6-0-1 Roll Call vote to adopt Resolution No. 1617-41 Resolution Of The Board Of Trustees Of The Capistrano Unified School District. Acting as the Legislative Body of Community Facilities District No. 88-1 of the Capistrano Unified School District (Rancho Santa Margarita), Dissolving Community Facilities District No. 88-1 of the Capistrano Unified School District (Rancho Santa Margarita). Eliminating All Tax Liens and Approving Recordation of Notices Thereof.

AYES: Trustee Alpay, Hanacek, Hatton-Hodson, Jones, McNicholas, and Reardon
NOES: None
ABSENT: Pritchard

Student Advisor Darling voted Aye to adopt Resolution No. 1617-41 Resolution Of The Board Of Trustees Of The Capistrano Unified School District, Acting as the Legislative Body of Community Facilities District No. 88-1 of the Capistrano Unified School District (Rancho Santa Margarita), Dissolving Community Facilities District No. 88-1 of the Capistrano Unified School District (Rancho Santa Margarita). Eliminating All Tax Liens and Approving Recordation of Notices Thereof.

**Community
Facilities District
No. 87-1 of the
Capistrano Unified
School District
(Mission
Viejo/Aliso Viejo),
Dissolving
Community
Facilities District
No. 87-1
Approving
Recordation of
Notice of Cessation
of Special Tax
Agenda Item 26**

**Resolution No.
1617-41 Resolution
Of The Board Of
Trustees Of The
Capistrano Unified
School District,
Acting as the
Legislative Body of
Community
Facilities District
No. 88-1 of the
Capistrano Unified
School District
(Rancho Santa
Margarita),
Dissolving
Community
Facilities District
No. 88-1 of the
Capistrano Unified
School District
(Rancho Santa
Margarita),
Eliminating All
Tax Liens and
Approving
Recordation of
Notices Thereof
Agenda Item 27**

President Hanacek recognized Clark Hampton, Deputy Superintendent, Business and Support Services to present this item.

Resolution No. 1617-42 Resolution Community Facilities District No. 94-1 (Rancho Santa Margarita), Dissolving Community Facilities District No. 94-1 of the Capistrano Unified School District (Rancho Santa Margarita), Eliminating All Tax Liens and Approving Recordation of Notices Thereof
Agenda Item 28

Following discussion, it was moved by Trustee Alpay, seconded by Trustee McNicholas and motion carried by a 6-0-1 Roll Call vote to adopt Resolution No. 1617-42 Resolution Community Facilities District No. 94-1 (Rancho Santa Margarita). Dissolving Community Facilities District No. 94-1 of the Capistrano Unified School District (Rancho Santa Margarita), Eliminating All Tax Liens and Approving Recordation of Notices Thereof.

AYES: Trustee Alpay, Hanacek, Hatton-Hodson, Jones, McNicholas, and Reardon
NOES: None
ABSENT: Pritchard

Student Advisor Darling voted Aye to adopt Resolution No. No. Resolution No. 1617-42 Resolution Community Facilities District No. 94-1 (Rancho Santa Margarita), Dissolving Community Facilities District No. 94-1 of the Capistrano Unified School District (Rancho Santa Margarita), Eliminating All Tax Liens and Approving Recordation of Notices Thereof.

This item was moved to a Second Reading.

First Reading – Board Policy 4112.8, 4212.8, 4312.8, Employment of Relatives
Agenda Item 29

This item was moved to a Second Reading.

First Reading – Board Policy 4300, Management, Supervisory and Confidential Personnel
Agenda Item 30

President Hanacek recognized Susan Holliday, Associate Superintendent, Education Services to present the item.

Second Reading – Revisions to Board Policy 5141.1, Bus Conduct
Agenda Item 31

Following discussion, it was moved by Trustee Alpay, seconded by Trustee Reardon, and motion carried by a 6-0-1 vote to approve the Board Policy 5141.1, Bus Conduct.

AYES: Trustee Alpay, Hanacek, Hatton-Hodson, Jones, McNicholas, and Reardon
NOES: None
ABSENT: Pritchard

Student Advisor Darling voted Aye to approve Board Policy 5141.1, Bus Conduct.

ITEMS PULLED FROM CONSENT CALENDAR

Approval of the District standardized Independent Contractor, Professional Services, Master Contract, and Field Service Agreements.

Independent Contractor, Professional Services, Field Service and Master Contract Agreements. Agenda Item 4

Following discussion. it was moved by Trustee Reardon, seconded by Trustee McNicholas, and motion carried by a 5-1-1 vote to approve Agenda Item 4.

Trustee Hatton-Hodson abstained from voting.

AYES: Trustee Alpay, Hanacek, Jones, McNicholas, and Reardon
NOES: None
ABSENT: Pritchard
ABSTAIN: Hatton-Hodson

Student Advisor Darling voted Aye to approve Agenda Item 4.

Approval of the Final Acceptance and filing of the Notice of Completion for Bid No. 1516-12, San Juan Hills High School Addition Phase I, West Parking Upgrades.

Final Acceptance And Filing of Notice of Completion for Bid No. 1516-12, San Juan Hills High School Addition Phase I, West Parking Upgrades – Paul C. Miller Construction Co., Inc. Agenda Item 10

Following discussion. it was moved by Trustee Reardon, seconded by Trustee McNicholas, and motion carried by a 6-0-1 vote to approve Agenda Item 10.

AYES: Trustee Alpay, Hanacek, Hatton-Hodson, Jones, McNicholas, and Reardon
NOES: None
ABSENT: Pritchard

Student Advisor Darling voted Aye to approve Agenda Item 10.

Approval of the Final Acceptance and filing of the Notice of Completion for Bid No. 1516-15, Ladera Ranch Middle School Relocatable Classroom and Restroom Project.

Final Acceptance And Filing of Notice of Completion for Bid No. 1516-15, Ladera Ranch Middle School Relocatable Classroom and Restroom Project – R. Jensen Company, Incorporated Agenda Item 11

Following discussion, it was moved by Trustee Reardon, seconded by Trustee McNicholas, and motion carried by a 6-0-1 vote to approve Agenda Item 11.

AYES: Trustee Alpay, Hanacek, Hatton-Hodson, Jones, McNicholas, and Reardon
NOES: None
ABSENT: Pritchard

Student Advisor Darling voted Aye to approve Agenda Item 11.

Approval of the Final Acceptance and filing of the Notice of Completion for Bid No. 1516-18, Viejo Elementary School Exterior Painting.

Final Acceptance And Filing of Notice of Completion for Bid No. 1516-18,

Following discussion, it was moved by Trustee Alpay, seconded by Trustee Reardon, and motion carried by a 6-0-1 vote to approve Agenda Item 12.

AYES: Trustee Alpay, Hanacek, Hatton-Hodson, Jones, McNicholas,
and Reardon
NOES: None
ABSENT: Pritchard

**Exterior Paint at
Viejo Elementary
School - Igor
Bernik DBA
Signature Painting
Agenda Item 12**

Student Advisor Darling voted Aye to approve Agenda Item 12.

Approval of the Final Acceptance and filing of the Notice of Completion for Bid No. 1516-21, Bergeson Elementary School Relocatable Classroom Project.

**Final Acceptance
and Filing of
Notice Of
Completion for Bid
No. 1516-21,
Bergeson
Elementary School
Relocatable
Classroom Project
– R. Jensen
Company,
Incorporated
Agenda Item 13**

Following discussion, it was moved by Trustee Alpay, seconded by Trustee Reardon, and motion carried by a 6-0-1 vote to approve Agenda Item 13.

AYES: Trustee Alpay, Hanacek, Hatton-Hodson, Jones, McNicholas,
and Reardon
NOES: None
ABSENT: Pritchard

Student Advisor Darling voted Aye to approve Agenda Item 13.

Approval of the Final Acceptance and filing of the Notice of Completion for Bid No. 1516-21, Bergeson Elementary School Relocatable Classroom Project.

**Final Acceptance
and Filing of
Notice of
Completion for Bid
No. 1516-22, Aliso
Niguel High School
Relocatable
Classrooms – R.
Jensen Company,
Incorporated
Agenda Item 14**

Following discussion, it was moved by Trustee Alpay, seconded by Trustee Reardon, and motion carried by a 6-0-1 vote to approve Agenda Item 14.

AYES: Trustee Alpay, Hanacek, Hatton-Hodson, Jones, McNicholas,
and Reardon
NOES: None
ABSENT: Pritchard

Student Advisor Darling voted Aye to approve Agenda Item 14.

Approval of the July 20, 2016 Regular Board Meeting minutes.

**School Board
Minutes
Agenda Item 22**

Following discussion, it was moved by Trustee Alpay, seconded by Trustee Reardon, and motion carried by a 6-0-1 vote to approve Agenda Item 22 with the removal of Trustee Alpay from the Aye vote due to a recusal.

AYES: Trustee Alpay, Hanacek, Hatton-Hodson, Jones, McNicholas,
and Reardon
NOES: None
ABSENT: Pritchard

Student Advisor Darling voted Aye to approve Agenda Item 22.

It was moved by Trustee Alpay, seconded by Trustee McNicholas and motion carried by a 6-0-1 vote to adjourn the meeting.

Adjournment

AYES: Trustee Alpay, Hanacek, Hatton-Hodson, Jones, McNicholas,
and Reardon
NOES: None
ABSENT: Pritchard

Student Advisor Darling voted Aye to adjourn the meeting.

President Hanacek announced the meeting adjourned at 10:29 p.m.


Board Clerk

Secretary, Board of Trustees

Minutes submitted by Nicole Perez, Executive Secretary, Board Operations