

**CAPISTRANO UNIFIED SCHOOL DISTRICT  
BOARD OF TRUSTEES  
MINUTES OF REGULAR MEETING  
March 22, 2017  
EDUCATION CENTER – BOARD ROOM**

President McNicholas called the meeting to order at 5:01p.m.

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

The following speaker addressed the Board:

- Dawn Urbanek spoke regarding Conference with Real Property Negotiators.

At 5:05 p.m., the Board recessed to closed session to discuss Conference with Legal Counsel – Existing Litigation; Student Expulsions; Liability Claims; Conference with Legal Counsel – Anticipated Litigation; Conference with Labor Negotiators; Conference with Real Property Negotiators; Public Employee Discipline/Dismissal/Release; and Public Employment and Evaluation of Performance.

The regular meeting of the Board reconvened to open session and was called to order by President McNicholas at 7:02 p.m.

**ROLL CALL:**

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

Absent: Trustee Holloway

The Pledge of Allegiance was led by Veronica Hoggatt, Chair, Capistrano Unified School District Special Education Community Advisory Committee.

**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](http://www.capousd.org)**

**Permanent Record**

Prior to the adoption of the agenda, President McNicholas announced the following:

**Adoption of the  
Board Agenda**

“Staff has moved Agenda Item 18, Special Education Community Advisory Committee Annual Report to the Special Recognitions portion of the meeting. Please note: Agenda Item 22, Resolution No. 1617-56, Ratification of Agreement to Purchase the Esencia School Site and Delegation to Accept the Dead has been moved to the first Discussion/Action item of the evening. Agenda Item 5, Award Bid No. 1617-18, Esencia K-8 – Straub Construction, Inc. has been pulled from the Consent Calendar and action on this item will take place after Agenda Item 22.”

It was moved by Trustee Reardon, seconded by Trustee Pritchard and motion carried by a 6-0-1 vote to adopt the Board agenda.

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

Student Advisor Darling voted Aye to adopt the Board agenda.

President McNicholas reported the following action taken during closed session:

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

**Agenda Item #3A-1 through A-9 – Conference with Legal Counsel – Existing Litigation**

Trustees voted 6-0-1 to approve OAH Case Numbers 2016070290, 2016100847, 2016110290, 2016110512, 2017020094, 2017020228, 2017020354, 2017020493 and *Unassigned*.

**Agenda Item #3B-1 through B-3 – Student Expulsions**

Trustees voted 6-0-1 to approve the expulsion of Case Numbers 2017-032, 2017-033 and 2017-035.

**Agenda Item #3C – Liability Claims**

Trustees voted 6-0-1 to reject Government Claim Numbers LBI 1603347 MH and LBI 1603370 MH.

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

No Reportable Action.

**Agenda Item #3D-2 – Conference with Legal Counsel – Anticipated Litigation**

Trustees gave direction to staff.

**Agenda Item #3E – Conference with Labor Negotiators**

No Reportable Action.

**Agenda Item #3F – Conference with Real Property Negotiators**

In Closed Session, the Board approved a Memorandum of Understanding with Rancho Mission Viejo providing for additional appraisals of the Esencia school site property. The vote was 6-0-1.

**Agenda Item #3G – Public Employee Discipline/Dismissal/Release**

No Reportable Action.

**Agenda Item #3H – Public Employment and Evaluation of Performance**

No Reportable Action.

**Learning in Capo Spotlights**

Special Education Community Advisory Committee, Veronica Hoggatt  
Ability Awareness, Mina Carson

**Special  
Recognitions**

**Extra Miler**

Rob Harris and Jeff Ridley for their commitment and dedication to the Best Buddy Programs at Dana Hills High School and San Clemente High School

**Associated Student Body**

San Clemente High School  
*Chris Carter*, Principal  
*Matt Reid*, Activities Director  
*Roberto Medrano*, Associated Student Body President

Superintendent Vital reported on the activities and events of the past two weeks. She highlighted the PTA Administrators Dinner and her attendance at the Saddleback College 2017 Economic Report Luncheon.

**Board and Superintendent Comments**

Superintendent Vital commented on the March 15 Board Workshop on Independent Physical Education and thanked the administration, teachers, District staff and family for their spirit of collaboration.

Oral Communications will occur immediately following Board and Superintendent Comments.

**Oral Communications**

The following speakers addressed the Board:

- Sally White spoke regarding negotiations.
- Lisa Hoover spoke regarding negotiations.
- Kristen Okura spoke regarding physical education.
- Tim Sampson spoke regarding salaries.
- Hawley Woods spoke regarding the Schools First vendor list.
- Donovan Higbee spoke regarding an invitation from the office of U.S. Congresswoman Mimi Walter.

**PUBLIC HEARING**

Public Hearing – Presentation of renewal petition from Opportunities For Learning Charter School.

**Public Hearing: Presentation of Renewal Petition for Opportunities For Learning Charter School Agenda Item 1**

President McNicholas announced the public hearing open at 7:56p.m.

The following speakers addressed the Board:

- Olga Solonin spoke regarding the Opportunities For Learning Charter renewal petition.
- Tavine Piester spoke regarding the Opportunities For Learning Charter renewal petition.
- Andrew Rietveld spoke regarding the Opportunities For Learning Charter renewal petition.

Following discussion, President McNicholas announced the public hearing closed at 8:07p.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

**Items Pulled from the Consent Calendar**

removed from the Consent Calendar. The Superintendent and the staff recommend approval of all Consent Calendar items.

Staff pulled Agenda Item 5 from the Consent Calendar and voted on this item during the Discussion/Action portion of the meeting.

President McNicholas asked Trustees for Items they wished to pull from the Consent Calendar. Trustee Hatton-Hodson requested to pull Agenda Items 15 and 16. Trustee Jones requested to pull Item 17.

It was moved by Trustee Jones, seconded by Trustee Hatton-Hodson, and motion carried by a 6-0-1 vote to approve the following Consent Calendar, with the exception of the items pulled.

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

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

Approval of the Award of Request for Proposals No. 2-1617, Financial Auditing Services to Nigro & Nigro, PC.

**Award Of Request  
For Proposals No.  
2-1617, Financial  
Auditing Services -  
Nigro & Nigro PC  
Agenda Item 6**

**DISCUSSION/ACTION ITEMS**

Approval of Resolution No. 1617-56, Ratification of Agreement to Purchase the Esencia School Site and Delegation to Accept the Deed.

**Resolution No.  
1617-56,  
Ratification of  
Agreement to  
Purchase the  
Esencia School Site  
and Delegation to  
Accept the Deed  
Agenda Item 22**

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

The following speakers addressed the Board:

- Dan Kelly spoke regarding Esencia School.
- Parker Ware spoke regarding Esencia School.
- Dawn Urbanek spoke regarding the Esencia land purchase.
- Jeff Gray spoke regarding Esencia K-8.
- Diane Gaynor spoke regarding Esencia K-8 support.
- George A. Criswell spoke regarding Esencia.

Following discussion, it was moved by Trustee Pritchard, seconded by Trustee Reardon, and motion carried by a 6-0-1 Roll Call vote to adopt Resolution No. 1617-56, Ratification of Agreement to Purchase the Esencia School Site and Delegation to Accept the Deed.

AYES: Trustee Hanacek, Hatton-Hodson, Jones, McNicholas,  
Pritchard and Reardon

NOES: None  
ABSENT: Holloway

Student Advisor Darling voted Aye to adopt Resolution No. 1617-56.

Approval of Award of Bid No. 1617-18, Esencia K-8 to Straub Construction, Inc.

**Award Bid No.  
1617-18, Esencia  
K-8 - Straub  
Construction, Inc.  
Agenda Item 5**

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

Following discussion, it was moved by Trustee Reardon, seconded by Trustee Pritchard, and motion carried by a 6-0-1 vote to approve Agenda Item 5.

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

Student Advisor Darling voted Aye to approve Agenda Item 5.

Consideration and approval of Resolution No. 1617-66, Reduction or Elimination of Certain Classified Services.

**Resolution No.  
1617-66, Reduction  
Or Elimination Of  
Certain Classified  
Services  
Agenda Item 19**

President McNicholas recognized Gordon Amerson, Associate Superintendent, Human Resource Services to present this item.

The following speaker addressed the Board:

- Ronda Walen spoke regarding classified layoffs.

It was moved by Trustee Jones, seconded by Trustee Hatton-Hodson, and motion carried by a 6-0-1 Roll Call vote to adopt Resolution No. 1617-66, Reduction or Elimination of Certain Classified Services.

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

Student Advisor Darling voted Aye to adopt Resolution No. 1617-66.

As part of the ongoing Lower-Emission School Bus Program, the South Coast Air Quality Management District (SCAQMD) announced a funding opportunity for purchasing new Type C or Type D electric school buses in the South Coast Air Basin.

**Resolution No.  
1617-67, Approval  
of Application  
Submission  
SCAQMDPA  
2017-01 Electric  
Bus Funding Grant  
Program  
Agenda Item 20**

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

The following speaker addressed the Board:

- Dawn Urbanek spoke regarding the Electric Bus Funding Grant.

Following discussion, it was moved by Trustee Jones, seconded by Trustee Hatton-Hodson, and motion carried by a 5-1-1 Roll Call vote to adopt Resolution No. 1617-67, Approval of Application Submission SCAQMDPA 2017-01 Electric Bus Funding Grant Program.

AYES: Trustee Hanacek, Hatton-Hodson, Jones, McNicholas and Pritchard  
NOES: Reardon  
ABSENT: Holloway

Student Advisor Darling voted Aye to adopt Resolution No. 1617-67.

Consideration and adoption of Resolution No. 1617-69, District Support of Assembly Bill 445.

President McNicholas recognized Gila Jones, Trustee, to present this item.

The following speaker addressed the Board:

- Dawn Urbanek spoke regarding Assembly Bill 445, CTE.

Following discussion, it was moved by Trustee Hanacek, seconded by Trustee Reardon, and motion carried by a 6-0-1 Roll Call vote to adopt Resolution No. 1617-69, District Support of Assembly Bill 445, Career and Technical Education (CTE) Permanent Funding Program.

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

Student Advisor Darling voted Aye to adopt Resolution No. 1617-69.

President McNicholas announced Kirsten Vital, Superintendent, as appointed Clerk for one meeting due to the absence of the Board Clerk, Patricia Holloway.

Following discussion, Clark Hampton, Deputy Superintendent, Business and Support Services, suggested President McNicholas appoint a co-signor for the March 22, 2017 Board Meeting.

President McNicholas announced Trustee Reardon as the co-signor for the March 22, 2017 Board Meeting.

#### **ITEMS PULLED FROM CONSENT CALENDAR**

Approval of donations of funds and equipment.

The following speaker addressed the Board:

- Dawn Urbanek spoke regarding Donation of Funds

It was moved by Trustee Reardon, seconded by Trustee Hatton-Hodson, and motion carried by a 6-0-1 vote to approve Agenda Item 2.

**Resolution No. 1617-69, District Support of Assembly Bill 445, Career and Technical Education (CTE) Permanent Funding Program Agenda Item 21**

**Appointment of Acting Clerk for One Meeting**

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

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

Student Advisor Darling voted Aye to approve Agenda Item 2.

Approval of purchase orders (Attachment 1) and commercial warrants (Attachment 2).

**Purchase Orders,  
Commercial  
Warrants and  
Previously Board-  
Approved Bids and  
Contracts.  
Agenda Item 3**

The following speaker addressed the Board:

- Dawn Urbanek spoke regarding purchase orders.

It was moved by Trustee Jones, seconded by Trustee Hatton-Hodson, and motion carried by a 6-0-1 vote to approve Agenda Item 3.

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

Student Advisor Darling voted Aye to approve Agenda Item 3.

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**

The following speaker addressed the Board:

- Dawn Urbanek spoke regarding the AW Industries contract.

It was moved by Trustee Jones, seconded by Trustee Hatton-Hodson, and motion carried by a 5-1-1 vote to approve Agenda Item 4.

AYES: Trustee Hanacek, Hatton-Hodson, Jones, McNicholas and  
Pritchard  
NOES: Reardon  
ABSENT: Holloway

Student Advisor Darling voted Aye to approve Agenda Item 4.

Approval of the State of California Multiple Award Schedule (CMAS) Contract No. 4-03-78-0023A, General Services Administration Schedule No. GS-07F-0542M, for the purchase, warranty, and installation of playground and outdoor equipment awarded to Progressive Design Playgrounds, as needed.

**California Multiple  
Award Schedule  
Contract No. 4-03-  
78-0023A awarded  
to Progressive  
Design  
Playgrounds for  
Playground and  
Outdoor  
Equipment and  
Related Services  
Agenda Item 7**

The following speaker addressed the Board:

- Dawn Urbanek spoke regarding contract No. 4-03-78-0023 A.

It was moved by Trustee Pritchard, seconded by Trustee Jones, and motion carried by a 5-0-1-1 vote to approve Agenda Item 7.

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

Student Advisor Darling voted Aye to adopt Agenda Item 7.

It was moved by Trustee Reardon and seconded by President McNicholas to continue the item to a future meeting.

Following discussion, a subsequent motion was made by Trustee Jones, seconded by Trustee Pritchard, and motion carried by a 6-0-1 vote to reconsider the item for clarification on the contract details.

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

Student Advisor Darling voted Aye to reconsider Agenda Item 7.

Trustee Reardon rescinded his motion to continue the item.

Following discussion, it was moved by Trustee Reardon, seconded by Trustee Hatton-Hodson, and motion carried by a 6-0-1 vote to approve Contract No. 4-03-78-0023A, awarded to Progressive Design Playgrounds, for turf replacement at San Clemente High School and related services. One-time expenditures under this contract shall not exceed \$850,000 funded by deferred maintenance funds.

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

Student Advisor Darling voted Aye to approve Agenda Item 7.

Approval to procure eligible computer hardware and software items utilizing a Requests for Proposals (RFP) process.

It was moved by Trustee Jones, seconded by Trustee Hatton-Hodson, and motion carried by a 6-0-1 Roll Call vote to approve Agenda Item 8.

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

Student Advisor Darling voted Aye to approve Agenda Item 8.

**Procure Eligible  
Computer  
Hardware and  
Software Utilizing  
Requests for  
Proposals Process  
Relating to  
Assessment  
Delivery and Data  
Management  
System  
Agenda Item 8**



Approval of the Second Extension and Amendment of Bid No. 1516-13, Refurbished Computer Equipment to 2ndGear, LLC.

**Second Extension and Amendment of Bid No. 1516-13, Refurbished Computer Equipment - 2ndGear, LLC. Agenda Item 9**

It was moved by Trustee Jones, seconded by Trustee Hatton-Hodson, and motion carried by a 6-0-1 Roll Call vote to approve Agenda Item 9.

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

Student Advisor Darling voted Aye to approve Agenda Item 9.

Approval of the State of California Multiple Award Schedule (CMAS) Contract Nos. 3-15-70-2486F and 3-15-70-2486E, General Services Administration Schedule Nos. GS-35F-0511T and GS-35F-0901N, respectively, for Information Technology Goods and Services awarded to SIGMAnet, Inc., as needed.

**State Of California Multiple Award Schedule Contract Nos. 3-15-70-2486F And 3-15-70-2486E, Minnesota WSCA-NASPO Master Agreement Nos. MNWNC-108, MNWNC-109, MNWNC-115, MNWNC-117, And MNNVP-133 And National Association Of State Procurement Officers Valuepoint Master Agreement No. AR615 For Various Information Technology Goods And Services Awarded To Various Providers Agenda Item 10**

It was moved by Trustee Jones, seconded by Trustee Hatton-Hodson, and motion carried by a 6-0-1 Roll Call vote to approve Agenda Item 10.

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

Student Advisor Darling voted Aye to approve Agenda Item 10.

Approval to utilize the Waterford Unified School District Bid No. 01/17 for the purchase of school buses from A-Z Bus Sales, Incorporated, under the same terms and conditions of the public agency's contract.

**Waterford Unified School District Bid No. 01/17, School Buses With A-Z Bus Sales, Incorporated Agenda Item 11**

It was moved by Trustee Jones, seconded by Trustee Hatton-Hodson, and motion carried by a 6-0-1 Roll Call vote to approve Agenda Item 11.

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

Student Advisor Darling voted Aye to approve Agenda Item 11.

Approval of Student Teaching Affiliation Agreement with Western Governors University, effective February 3, 2017 until terminated by either party with 30 days written notice.

**Student Teaching  
Affiliation  
Agreement with  
Western  
Governors  
University  
Agenda Item 12**

The following speaker addressed the Board:

- Dawn Urbanek spoke regarding student teaching.

It was moved by Trustee Jones, seconded by Trustee Pritchard, and motion carried by a 6-0-1 vote to approve Agenda Item 12.

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

Student Advisor Darling voted Aye to adopt Agenda Item 12.

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

**Resignations/  
Retirements/  
Employment –  
Classified  
Employees  
Agenda Item 13**

The following speaker addressed the Board:

- Dawn Urbanek spoke regarding classified staff.

It was moved by Trustee Hatton-Hodson, seconded by Trustee Pritchard, and motion carried by a 6-0-1 vote to approve Agenda Item 13.

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

Student Advisor Darling voted Aye to adopt Agenda Item 13.

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

**Resignations/  
Retirements/  
Employment –  
Certificated  
Employees  
Agenda Item 14**

The following speaker addressed the Board:

- Dawn Urbanek spoke regarding certificated staff.

It was moved by Trustee Hatton-Hodson, seconded by Trustee Pritchard, and motion carried by a 6-0-1 vote to approve Agenda Item 14.

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

Student Advisor Darling voted Aye to adopt Agenda Item 14.

Approval of the January 25, 2017 Regular Board Meeting minutes.

**School Board  
Minutes  
Agenda Item 15**

The following speaker addressed the Board:

- Dawn Urbanek spoke regarding board meeting minutes.

Due to absence from the January 25, 2017 Regular Board Meeting, Trustee Hatton-Hodson abstained from this item.

It was moved by Trustee Jones, seconded by Trustee Hanacek, and motion carried by a 5-0-1-1 vote to approve Agenda Item 15.

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

Student Advisor Darling voted Aye to adopt Agenda Item 15.

Approval of the January 25, 2017 Special Board Meeting minutes.

**School Board  
Minutes  
Agenda Item 16**

Due to absence from the January 25, 2017 Special Board Meeting, Trustee Hatton-Hodson abstained from this item.

It was moved by Trustee Jones, seconded by Trustee Hanacek, and motion carried by a 5-0-1-1 vote to approve Agenda Item 16.

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

Student Advisor Darling voted Aye to adopt Agenda Item 16.

Approval of Second Reading – Board Bylaw 9311, *Board Policies*.

**Second Reading –  
Board Bylaw 9311,  
Board Policies  
Agenda Item 17**

The following speaker addressed the Board:

- Dawn Urbanek spoke regarding Board Bylaw 9311.

It was moved by Trustee Reardon, seconded by Trustee Pritchard, and motion carried by a 6-0-1 vote to approve Agenda Item 17.

AYES: Trustee Hanacek, Hatton-Hodson, Jones, McNicholas,  
Pritchard and Reardon

NOES: None  
ABSENT: Holloway

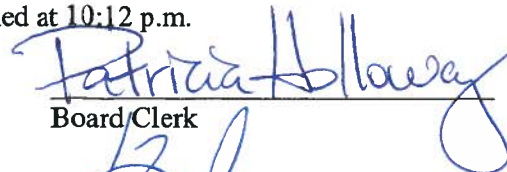
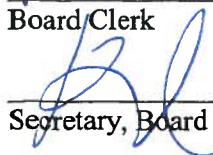
Student Advisor Darling voted Aye to adopt Agenda Item 17.

It was moved by Trustee Reardon, seconded by Trustee Pritchard and motion carried by **Adjournment** a 6-0-1 vote to adjourn the meeting.

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

Student Advisor Darling voted Aye to adjourn the meeting.

President McNicholas announced the meeting adjourned at 10:12 p.m.

  
\_\_\_\_\_  
Board Clerk  
  
\_\_\_\_\_  
Secretary, Board of Trustees

*Minutes submitted by Nicole Perez, Executive Secretary, Board Operations*