

**West Contra Costa Unified School District
Minutes of the Board of Education Meeting
Lovonya DeJean Middle School
3400 McDonald Avenue
Richmond, CA 94805**

January 21, 2009

A. CLOSED SESSION

B. OPENING PROCEDURES

President Audrey Miles called the meeting to order at 5:30 PM. The Board recessed into Closed Session. President Miles called the Public Session to order at 6:51 PM. She dedicated this meeting to the presidential inauguration and the renewed spirit of change and hope and the idea of service to the community.

B.1 Pledge of Allegiance

President Miles led those in attendance in the pledge of allegiance.

B.2 Welcome and Meeting Procedures

President Miles offered welcome and instructions to the public regarding the meeting.

B.3 Roll Call

Board Members Present: Madeline Kronenberg, Antonio Medrano, Audrey Miles, Tony Thurmond

Board Members Absent: Charles Ramsey

Staff Present: Alejandro Alonso, Interpreter; Andre Bell, Executive Director Business Services; Steve Collins, SELPA Director; Martin Coyne, Director Accounting/Audits; Lisa Erwin, Executive Director Business Services; Sheri Gamba, Associate Superintendent for Business Services; Bill Fay, Associate Superintendent for Operations; Wendell Greer, Associate Superintendent K-Adult; Bruce Harter, Superintendent; Joe Mayes, Maintenance Supervisor; Ken McDaniel, Electronics Supervisor; Nia Rashidchi, Assistant Superintendent Educational Services; Jessica Romeo, Assistant Superintendent for Human Resources; Phyllis Rosen, Legal Assistant; Bill Savidge, District Engineering Officer.

B.4 Presentation of Student Board Representative Dennis Shem, El Cerrito High School

Mr. Shem delivered a message on behalf of Principal Reimann regarding the new El Cerrito High School. Mr. Shem provided an update on activities and programs at the school.

B.5 Report/Ratification of Closed Session

Superintendent Harter asked that the Board ratify the vote taken in Closed Session to expel two (2) students from the West Contra Costa Unified School District, and suspend those expulsions for placement in district schools.

MOTION: Ms Kronenberg moved to ratify the vote taken in Closed Session to expel two (2) students and suspend those expulsions for placement in district schools. Mr. Medrano seconded. Ms. Kronenberg, Mr. Medrano and President Miles voted yes, with Mr. Thurmond abstaining and Mr. Ramsey absent. Motion carried 3-0-1-1.

Superintendent Harter asked that the Board ratify the vote taken in Closed Session to appoint Brian Zobel as Interim, K-12 Instructional Specialist-De Anza High School and Brenda King-Randle as Interim, Coordinator of Educational Services through the end of the school year.

MOTION: Ms. Kronenberg moved to ratify the vote taken in Closed Session to appoint Brian Zobel as Interim, K-12 Instructional Specialist-De Anza High School and Brenda King-Randle as Interim, Coordinator of Educational Services through the end of the school year. Mr. Medrano seconded. Ms. Kronenberg, Mr. Medrano and President Miles voted yes, Mr. Thurmond voted no, with no abstentions and Mr. Ramsey absent. Motion carried 3-1-0-1.

B.6 Agenda Review and Adoption

Public Comment:

Robert Brower spoke in favor of keeping Item E.6 on the agenda as an action item.
Robert Studdiford spoke in favor of moving Item E.6 to a discussion item.

Board Comment:

Ms. Kronenberg commented on the decision of the Facilities Subcommittee to move Item E.6 for discussion.

MOTION: Ms. Kronenberg moved to amend the agenda moving item E.6 for discussion and not action. President Miles called for a second. The motion failed for lack of a second.

MOTION: Mr. Medrano moved to adopt the agenda. Mr. Thurmond seconded. Ms. Kronenberg, Mr. Medrano, Mr. Thurmond, Student Representative Shem (advisory vote only) and President Miles voted yes, with no abstentions and Mr. Ramsey absent. Motion carried 4-0-0-1.

B.7 Minutes: January 7, 2009; January 10, 2009

MOTION: Mr. Thurmond moved approval of the minutes of January 7 and January 10, 2009. Ms. Kronenberg seconded. Ms. Kronenberg, Mr. Medrano, Mr. Thurmond, Student Representative Shem (advisory vote only) and President Miles voted yes, with no abstentions and Mr. Ramsey absent. Motion carried 4-0-0-1.

C. AWARDS, RECOGNITIONS, AND REPORTS

C.1 Budget Report Update

Sheri Gamba provided an update on the 2008-09 budget and the Governor's proposal for 2009-10 with a brief review of the June 2008 Budget Adoption, an overview of the First Interim Report and the latest budget information from the state and comments on the federal stimulus package.

Public Comment:

Al Kirkman spoke about employee pay cuts.

C.2 Community Budget Advisory Committee (CBAC) Report

Charles Cowens, CBAC Chair, presented a resolution that the committee adopted regarding revenues, enrollment and attendance. He recognized the work of members Robert Studdiford and Eduardo Martinez.

Board Comment:

Mr. Medrano asked for information regarding comparisons with Mt. Diablo Unified School District, and Mr. Cowens responded.

Ms. Kronenberg spoke about the opportunity to raise test scores and looking at ADA more critically and suggested adjusting the ESL teaching schedule to accommodate those students who go to Mexico in December to increase ADA.

Mr. Thurmond thanked Mr. Cowens and recommended agendizing the CBAC resolution for adoption at a future meeting and perhaps creating an ad hoc committee to ensure students are in school.

Public Comment:

Al Kirkman spoke about the importance of attendance, using every resource and following up on our absentees including making home visits.

C.3 Citizens' Bond Oversight Committee Report

None

C.4 In Memory of Members of the School Community

Superintendent Harter acknowledged the contributions of members of our school community who have passed away and shared in a moment of silence.

D. PUBLIC AND COMMITTEE COMMUNICATIONS

(Education Code 35145.5; Government Code 54950 et seq.)

D.1 Superintendent's Report

Superintendent Harter provided a report of events in district schools.

D.2 WCCUSD Public Comment

Public Comment:

Robert Brower spoke about safety issues at Adams Middle School.

Al Kirkman spoke about employee benefits and the structural deficit.

Sheila White spoke about safety issues and lack of supervision at Bayview Elementary School where she said her son was assaulted. Ms. White was directed to speak with Wendell Greer.

Gigi Guizado de Nathan spoke about making K-8 an essential part of the budget strategy, especially within the DeAnza family of schools.

Jeremy McCauley spoke about the need to maintain a viable school district, keeping neighborhood schools open and encouraging high enrollment.

Ivan Martinez, student at Coronado, spoke against closing his school.

Noemi Santos-Santiago spoke in favor of saving Coronado.

Christina Slamon spoke about the 20th Annual Celebration of Martin Luther King Jr. Day in Richmond and thanked the District for sponsoring the event. She spoke about Portola Middle School activities and encouraged parents to make donations to close the budget gap.

Alan Zarza, student at Coronado, spoke against closing Coronado.

Shavinder Gulati spoke against closing Coronado.

Marcos Herrera's sister spoke on his behalf about keeping his school open for safety reasons.

Charles Cowens spoke about the state funding for rebuilding Portola.

Margaret Browne, retired WCCUSD teacher, spoke about her retiree benefits.

Eric Swabeck, Lake Elementary teacher, spoke against closing schools, finding creative ideas to keep schools open and mobilizing on February 4th and 11th.

Eduardo Martinez, Sheldon Elementary teacher, spoke about achieving equity and changing the times of equity walk-throughs.

Billy Rubi, Coronado student, spoke against closing his school.

Variny Palachino, Olinda parent, said she loves the Richmond community and its diversity, but that closing schools is a detriment to the district's reputation.

E. ACTION ITEMS

E.1 Resolution 56-0809: African American History Month – February 2009

Superintendent Harter commented on the district's celebration of Martin Luther King, Jr. Day and asked the board to approve this resolution naming February as African American History Month.

MOTION: Mr. Medrano moved approval of Resolution 56-0809. Ms. Kronenberg seconded. Ms. Kronenberg, Mr. Medrano, Mr. Thurmond, Student Representative Shem (advisory vote only) and President Miles voted yes, with no abstentions and Mr. Ramsey absent. Motion carried 4-0-0-1.

E.2 Charter Facilities Assignments – Proposition 39 Draft Preliminary Offer to Manzanita Charter School

Mr. Fay presented this item for Board Approval.

Board Comment:

Mr. Thurmond asked for a public statement of the offer to Manzanita and how receptive the school was to the offer.

Mr. Fay responded and clarified the offer was to house the students at Lovonya DeJean Middle School.

Mr. Thurmond inquired about discussions with Manzanita and Mr. Savidge responded.

Mr. Medrano asked for details regarding the placement of the students and Mr. Fay responded.

Mr. Thurmond asked for clarification of the process and Mr. Fay responded.

Mr. Greer provided details regarding the offer extended to Manzanita last year.

Mr. Medrano asked for additional information.

Superintendent Harter clarified that this is the very start of the process with the three charter schools requesting Prop 39 facilities.

President Miles asked about prior discussions with the charter schools and Mr. Fay responded.

Mr. Thurmond requested statistics regarding the number of students and capacity at DeJean and Superintendent Harter responded.

MOTION: Ms. Kronenberg moved approval of Item E.2 Charter Facilities Assignments – Proposition 39 Draft Preliminary Offer to Manzanita Charter School. Mr. Medrano seconded. Ms. Kronenberg, Student Representative Shem (advisory vote only) and President Miles voted yes, Mr. Thurmond voted no, with Mr. Medrano abstaining, and Mr. Ramsey absent. Motion failed 2-1-1-1.

Superintendent Harter asked for an alternate proposal in order to meet statutory deadlines.
Mr. Medrano raised questions as this item was impacted by the decision on school closure and consolidation.
Mr. Thurmond moved to reconsider this item.
Superintendent Harter provided clarification.
Mr. Thurmond asked for further clarification regarding the District’s ability to rescind its offer to Manzanita if necessary due to school closure issues and Superintendent Harter responded.

MOTION: Mr. Thurmond moved to reconsider the vote and offer DeJean Middle School as a facility for Manzanita Charter School. Mr. Medrano seconded. A roll call vote was conducted. Ms. Kronenberg, Mr. Medrano, Mr. Thurmond, Student Representative Shem (advisory vote only) and President Miles voted yes, with no abstentions and Mr. Ramsey absent. Motion carried 4-0-0-1.

E.3 Charter Facilities Assignments – Proposition 39 Draft Preliminary Offer to Richmond College Preparatory K-5 Charter School (RCP)

Mr. Bill Fay introduced this item which he said was a preliminary offer to RCP to maintain their facilities at the Harbour Way Academy.

Board Comment:

Mr. Medrano inquired whether RCP has been apprised of the offer and Mr. Fay responded.

MOTION: Ms. Kronenberg moved approval of Item E.3. Mr. Medrano seconded. Ms. Kronenberg, Mr. Medrano, Mr. Thurmond, Student Representative Shem (advisory vote only) and President Miles voted yes, with no abstentions and Mr. Ramsey absent. Motion carried 4-0-0-1.

E.4 Charter Facilities Assignments – Proposition 39 Draft Preliminary Offer to Leadership Public Schools, Inc. (LPS)

Mr. Fay introduced this item which he said was a preliminary offer to Leadership Public Schools for facilities at Nystrom.

Board Comment:

Mr. Thurmond asked about the length of term for Leadership at this location.
Mr. Fay responded.
Mr. Medrano spoke about his impressions from his recent visit to Leadership and inquired about the schools intent to remain at Nystrom.
Superintendent Harter responded and discussed a potential request by Leadership to be housed at Kennedy High School in 2010-2011.
Mr. Medrano inquired about the response by the Kennedy High School community and Dr. Harter responded.
Ms. Kronenberg commented on the Kennedy community’s interest in having Leadership housed at their facility.

MOTION: Mr. Thurmond moved approval of Item E.4 with an alternative recommendation to offer Leadership a home at Kennedy High School beginning 2009-10.

President Miles called on Superintendent Harter who commented on logistical difficulties and pending school closure decisions.

MOTION: Mr. Thurmond indicated he would amend his motion to leave the timeline open to negotiation and make a recommendation that Leadership would have a home on the Kennedy High School Campus. Mr. Medrano seconded.

President Miles asked for clarification from Mr. Thurmond.
Mr. Thurmond clarified that he dropped the 09-10 provision and moved to make an offer for Leadership Public Schools to have a home on the Kennedy High School campus and the details about when would be subject to negotiation.

Superintendent Harter discussed a combined motion offering the Nystrom campus in 2009-2010 and Kennedy High School eventually.

Mr. Thurmond offered clarification on his motion.

Ms. Kronenberg suggested voting on the present offer for the Nystrom site and then voting on the Kennedy site if Kennedy remains open.

President Miles, Superintendent Harter and Mr. Thurmond discussed Mr. Thurmond's alternative motion and meeting the requirements of Prop 39.

MOTION: Mr. Thurmond moved to offer an alternative recommendation of Leadership Public Schools to have a home at the Kennedy High school campus potentially in the 2009-2010 year. Mr. Medrano seconded. Mr. Medrano, Mr. Thurmond, Student Representative Shem (advisory vote only) and President Miles voted yes, Ms. Kronenberg voted no, with no abstentions and Mr. Ramsey absent. Motion carried 3-1-0-1.

E.5 Special Education Annual Service Plan / Special Education Annual Budget Plan

Steve Collins discussed the need for a public hearing on the item and explained the statutory requirements behind the Annual Service and Budget Plans.

MOTION: Ms. Kronenberg moved approval of Item E.5 Special Education Annual Service Plan / Special Education Annual Budget Plan. Mr. Medrano seconded. Ms. Kronenberg, Mr. Medrano, Mr. Thurmond, Student Representative Shem (advisory vote only) and President Miles voted yes, with no abstentions and Mr. Ramsey absent. Motion carried 4-0-0-1.

E.6 Temporary Relocation for Portola Middle School and Adams Middle School

Bill Savidge provided a brief presentation regarding the relocation of Portola Middle School and Adams Middle School and presented options and cost considerations.

Superintendent Harter discussed how the options presented would interface with the school closure scenarios and clarified that the recommendation for the board was to authorize staff to develop preliminary plans, estimated costs and comprehensive schedules for the relocation of Portola and Adams Middle Schools.

Public Comment:

Robert Brower discussed how the CEQA process weighed into the proposed plans.

Christina Slamon commented on the various choices presented and recommended postponing the decision until completion of the school closure decisions.

Joanna Pace thanked Superintendent Harter and staff for the community meetings and said she advocated keeping a middle school at Portola.

Robert Studdiford spoke against having this as an action item.

Miné Ternar Kal said the safety of the children comes first, and asked the Board to take into consideration the best interest of special needs students.

Board Comment:

Mr. Thurmond inquired about the timing of mobilizing a relocation for Portola students. Mr. Savidge responded and spoke about the need for engaging in a CEQA study for El Cerrito High School.

Mr. Thurmond asked for clarification regarding completing a Portola move by fall 2009 and the possibility of a CEQA exemption. Mr. Savidge provided details and discussed invoking an emergency provision.

Ms. Kronenberg spoke about the AB 300 list and phasing list and asked for more information. Mr. Savidge responded.

Ms. Kronenberg spoke about how seismic issues could affect the Facilities Master Plan and proposed a Board Study Session on seismic and structural issues for all schools.

Mr. Thurmond asked for more information regarding seismic concerns for other schools.

Mr. Savidge responded.

Mr. Medrano said safety comes first and expressed the need to move the students out as soon as possible.

President Miles spoke about starting the process and the need to move ahead with a plan.

Mr. Thurmond asked questions about moving Portola students to El Cerrito High School and Mr. Savidge responded.

Ms. Kronenberg discussed the reasons for the new level of urgency, time lines and legal costs and asked Mr. Savidge for clarification.

Mr. Savidge responded.

Mr. Shem said he understood this is a tough decision but that the Board should come up with some plan.

MOTION: Mr. Thurmond moved to accept the staff recommendation for Item E.6 to begin the planning and add to the February 11, 2009 agenda the option to continue this conversation at that meeting. Mr. Medrano seconded. A roll call vote was conducted. Ms. Kronenberg, Mr. Medrano, Mr. Thurmond, Student Representative Shem (advisory vote only) and President Miles voted yes, with no abstentions and Mr. Ramsey absent. Motion carried 4-0-0-1.

Mr. Thurmond, with consensus of the Board, clarified that the item be agendaized for action on February 11th, so the board has the option to move on it as needed.

F. DISCUSSION ITEMS

None

G. BUSINESS ITEMS

G.1 Grants/Awards/Agreements

G.2 Acceptance of Donations

G.3 Approval of Fund-Raising Activities

G.4 Summary of Payroll and Vendor Warrant Reports

G.5 Notice of Completions: Bid E068136 Transition Learning Center Drainage & Paving Project, J068127 Pinole Valley HS Restroom Renovations Project, W068096 Richmond HS Building Renovations Phase II Project, W068087 Hercules Middle HS Field Alterations Project, D06068 Pinole Middle New Classroom Building and Gym

G.6 Notice of Claims Rejected

G.7 Certificated Personnel Changes

G.8 Ratification and Approval of Engineering Services Contracts

Public Comment:

Robert Brower spoke about the Adams Middle School site and commended the baseline information provided. He responded to earlier inquiry regarding availability of redevelopment fund in El Cerrito.

G.9 Ratification and Approval of Negotiated Change Orders

G.10 Award of Contract for Ford Elementary School Demolition, Sitework and Grading

Mr. Fay read a revision to this item into the record as follows (*changes in italics*):

Background Information:

Ford Elementary School has been relocated to the temporary campus at the Downer site. The next step in the reconstruction of the school is hazardous materials abatement, demolition of existing buildings, utility work and building pad preparation. Sally Swanson Architects has prepared a bid package for the Increment 1 work on the Ford site including all of this work.

The District conducted a public bid process for this project. Bids were received on January 20, 2009. Nine Contractors submitted bids. They are as follows: Trinet Construction \$1,161,000; Peak Engineering \$1,091,042; Silverado Contractors \$944,862; Parc Services \$912,749; Evans Brothers \$846,350; North Bay Construction \$818,990; Ghilotti Brothers \$798,900; OC Jones and Sons \$736,100; and, Bay Cities Paving and Grading \$697,000. The lowest responsive, responsible bidder is Bay Cities Paving and Grading at \$697,000. This cost is substantially below the estimated construction cost and budgeted amount for this work.

This item is being presented prior to the expiration of the 5 working day Bid Protest period. In consideration of this timing, and in order to expedite the project, the Board's action will be to authorize staff to issue the Notice of Award effective at the end of the Bid Protest period to the lowest responsive, responsible bidder. This award by staff will then be brought back for ratification at a future meeting.

Recommendation: Authorize staff to issue the Notice of Award, at the end of the bid protest period, to the lowest responsive, responsible bidder

Fiscal Impact: \$697,000. Funded by the Measure J Bond.

G.11 Resolution No. 57-0809: Intent to Seek Debt Limit Waiver from State Board of Education for Sale of Remaining General Obligation Bonds as Approved by Voters Under Measure J

Sheri Gamba noted typographical errors to Resolution No. 57-0809 and said that corrected copies were provided.

G.12 Resolution No. 58-0809: Recognition of West Contra Costa Unified School district Groundhog Job Shadow Days February 2 – 4, 2009 and Recognition of February 2009 as National Groundhog Job Shadow Month

MOTION: Mr. Medrano moved approval of Consent Items G. 1 – 12 as amended. Ms. Kronenberg seconded. Ms. Kronenberg, Mr. Medrano, Mr. Thurmond, Student Representative Shem (advisory vote only) and President Miles voted yes, with no abstentions and Mr. Ramsey absent. Motion carried 4-0-0-1.

H. UNFINISHED REQUESTS TO ADDRESS THE BOARD

None

I. COMMENTS OF THE BOARD OF EDUCATION AND SUPERINTENDENT

Ms. Kronenberg thanked everyone who attended the community meetings and expressed appreciation. She thanked everyone from Coronado and said she was impressed with the extraordinary teachers and with the students who also spoke at the Richmond City Council.

Mr. Medrano thanked students and parents who were involved in the consolidation process. He inquired about obtaining a list of ways the cities are currently contributing to the District.

Mr. Thurmond thanked Mr. Shem for his contribution and asked Dr. Harter to comment on the next steps now that the community meetings are complete. He thanked everyone who participated in this process.

Mr. Shem thanked the Board for the opportunity to participate which made him more appreciate the work they do. Superintendent Harter summarized the next steps in the closure process.

President Miles thanked Dr. Harter and staff for their hard work. She thanked Mr. Savidge for an excellent report.

J. THE NEXT SCHEDULED BOARD OF EDUCATION MEETING

Lovonya DeJean Middle School – February 4, 2009

K. ADJOURNMENT

President Miles adjourned the meeting at 10:08 PM.

Motion vote count order: Yes-No-Abstain-Absent

BH:pr

<p>AAM</p> <hr/> <p>Approved 2-4-09</p>
