

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

December 10, 2008

A. CLOSED SESSION

Clerk Madeline Kronenberg called the meeting to order at 5:15 PM.

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

Superintendent Harter administered the oath of office to Mr. Thurmond and Rosa Mena, Deputy, Contra Costa County, administered the Oath to Mr. Medrano in Spanish, which allowed the new Board members to attend Closed Session.

The Board recessed into Closed Session.

B. OPENING PROCEDURES

Ms. Kronenberg called the Public Session to order at 6:43 PM.

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

Student Board Members Present: Cindy Pineda, North Campus Continuation High School

Staff Present: Doris Avalos, Executive Director; Andre Bell, Executive Director Business Services; Adrienne Blalock, Director of Bond Facilities; Patricia Calvert, Director of Human Resources-Certificated; Steve Collins, SELPA Director; Martin Coyne, Internal Audits; Paul Ehara, Director of Communications; Lisa Erwin, Executive Director for Business Services; Otilia Espinoza, Interpreter; Luis Freese, Executive Director Maintenance and Operations; Sheri Gamba, Associate Superintendent for Business Services; Wendell Greer, Associate Superintendent K-Adult; Bruce Harter, Superintendent; Lance Jackson, District Architect; Linda Jackson, Executive Director; David Johnston, Director of Business Services; Harlan Kerr, Director Reading First; Joe Mayes, Maintenance Manager; Ken McDaniel, Interim Electronics Supervisor; Vince Rhea, Executive Director; Jessica Romeo, Assistant Superintendent for Human Resources; Phyllis Rosen, Legal Assistant; Bill Savidge, District Engineering Officer; Marin Trujillo, Director Community Engagement.

B.1 Swearing In of New Board Members

Dr. Harter administered a second Oath of Office to Tony Thurmond, and Rosa Mena, Deputy, Contra Costa County, administered a second Oath to Mr. Medrano in Spanish.

B.2 Pledge of Allegiance

Ms. Kronenberg led those in attendance in the pledge of allegiance.

B.9 Minutes: November 12, 2008; November 19, 2008

MOTION: Mr. Ramsey moved approval of the minutes of November 12 and 19, 2008. Ms. Miles seconded. Mr. Medrano, Ms. Miles, Mr. Ramsey, Mr. Thurmond, and Clerk Kronenberg voted yes, with no abstentions. Motion carried 5-0-0-0.

B.4 Annual Organization Meeting

B.4.1 Election of Board President and Clerk:

- Ms. Kronenberg recognized Mr. Medrano who nominated Audrey Miles for Board President.

MOTION: Mr. Medrano nominated Audrey Miles for President of the Board of Education. Mr. Thurmond seconded. Ms. Kronenberg, Mr. Medrano, Ms. Miles, Mr. Ramsey and Mr. Thurmond voting yes, with no abstentions. Motion carried 5-0-0-0.

Ms. Kronenberg recognized Ms. Miles as the Board President and passed the gavel to her.

- President Miles called for nomination for Clerk.

MOTION: Mr. Thurmond nominated Mr. Medrano to serve as Clerk.

Mr. Ramsey called for a discussion on the merits of the nomination. He discussed past practice and protocols. Jessica Romeo commented on the rules of order.

President Miles noted there is no formal District precedent regarding the nomination of Board Clerk.

President Miles called for a vote on the motion.

Mr. Ramsey called for a roll call vote.

A roll call vote was taken: Ms. Kronenberg, Mr. Medrano, Mr. Thurmond and President Miles voted yes and Mr. Ramsey voted no, with no abstentions. Motion carried 4-1-0-0.

President Miles recognized Mr. Medrano as the Clerk of the Board of Education.

Ms. Miles thanked her fellow Board members for voting for her and spoke about the importance of working together. She spoke about the new Board representing a response to the community's request for change and laid out the Board's main goals for the students and community.

B.4.4 Affirm and Adopt Schedule of Regular Board Meetings for 2009

Ms. Miles asked for a motion to approve the established dates for the 2009 school board meetings.

MOTION: Mr. Ramsey moved to establish the dates for the 2009 school board meetings. Ms. Kronenberg seconded. Ms. Kronenberg, Mr. Medrano, Mr. Ramsey, Mr. Thurmond and President Miles voting yes, with no abstentions. Motion carried 5-0-0-0.

B.4.6 President Miles announced board representatives for the following entities:

- a. Board Facilities Subcommittee – Antonio Medrano, Charles Ramsey
- b. Board Academic Subcommittee – Antonio Medrano, Madeline Kronenberg
- c. Citizens' Budget Advisory Committee – Madeline Kronenberg
- d. Citizens' Bond Oversight Committee – Antonio Medrano
- e. District Safety Committee – Audrey Miles, Tony Thurmond

B.6 Presentation of Student Board Representative Cindy Pineda, North Campus High School

Ms. Pineda spoke about activities at North Campus High School. She said the school was making progress and that it has contributed greatly to her personal success.

B.7 Report/Ratification of Closed Session

Superintendent Harter asked the Board to ratify the vote taken in Closed Session to expel four (4) students from the West Contra Costa Unified School District, suspending those expulsions.

MOTION: Ms. Kronenberg moved to ratify the vote taken in Closed Session to expel four (4) students from the West Contra Costa Unified School District, suspending those expulsions. Mr. Medrano seconded. Ms. Kronenberg, Mr. Medrano, Mr. Ramsey, Mr. Thurmond and President Miles voting yes, with no abstentions. Motion carried 5-0-0-0.

Superintendent Harter asked the Board to ratify the vote taken in Closed Session to hire Humphrey Joshua Kiuruwi as K-12 Instructional Specialist at DeAnza High School.

MOTION: Ms. Kronenberg moved to ratify the vote taken in Closed Session to hire Humphrey Joshua Kiuruwi as K-12 Instructional Specialist. Mr. Medrano seconded. Ms. Kronenberg, Mr. Medrano, Mr. Ramsey, Mr. Thurmond and President Miles voting yes, with no abstentions. Motion carried 5-0-0-0.

B.8 Agenda Review and Adoption

Public Comment:

Robert Brower, Michael Srago, Valerie Snider, Sharon Farrell and Charles Schwarz requested that Item E.1 be postponed until the school closure issue is final.

Board Comment:

Mr. Thurmond, Mr. Ramsey and Ms. Kronenberg discussed moving Item E.2 (School Consolidation / Closure – Criteria & Process) before Item D.3 (Public Comment) in consideration of the students and families who are present.

MOTION: Ms Kronenberg moved approval of the agenda moving Item E.2 ahead of Item D.3 Public Comment. Mr. Medrano seconded. Ms. Kronenberg, Mr. Medrano, Mr. Ramsey, Mr. Thurmond, Student Representative Pineda (advisory vote only) and President Miles voted yes, with no abstentions. Motion carried 5-0-0-0.

C. AWARDS, RECOGNITIONS, AND REPORTS

C.1 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.

Mr. Ramsey praised Ms. Seelinger for her contributions and noted that she began her career as a teacher at Portola Middle School fifty years ago.

D. PUBLIC AND COMMITTEE COMMUNICATIONS

D.1 Superintendent's Report

Superintendent Harter provided a report of events in district schools.

D.2 Request to Address the Board – Pixie Hayward Schickele, United Teachers of Richmond

Ms. Hayward Schickele, President of the United Teachers of Richmond, welcomed the new Board members and spoke about all our communities standing in solidarity and taking firm action to deal with the powers in Sacramento.

E. ACTION ITEMS

E.2 School Consolidation / Closure – Criteria & Process

Superintendent Harter provided an overview presentation discussing the district's financial condition and problems at the state level that are now requiring school consolidation and closure. He recommended that the board adopt the school closure and consolidation criteria, process, expert review and timeline as proposed.

Board Comment:

Mr. Thurmond inquired as to the source of the scenarios or recommendations.

Superintendent Harter provided information.

Mr. Medrano said the list of participants in the summary committee membership table should include a taxpayer association.

Mr. Ramsey suggested also including realtors in the committee membership list.

Public Comment:

Margaret Browne, Judy Greenspan, Adrienne Kimball, Eric Swabeck, Patricia Ponce, Charles Rachlis, Christina Letsinger, Sheree Ross, Al Miller, Joanna Pace, Elsa Morse, Margaret Wolfe, Brian Nelson, Patty Enrado, Margaret Breeding, Liz Smith, Joni Hiramoto, Rob Ruiz, Saidah Said, Paul Gilbert-Snyder, Kazue Nakahara, Susan Wehrle, Tammie Wilbert, Mieshatt Gash, Reyel Daystar, David Flores, Strangena Campbell, William Haynes, Stephanie Baker, Michelea Shanae Spinks, Gloria Taylor, Texanita Bluitt, Myrtle Braxton, Alton Chinn, Nanearl Tousoon, Brian Boyle, Alexander Krikorian, Wendy Gonzalez, Audra Williams, Robert Brower, Jennifer Hansen, Ann Palmer, Kathleen Erwin, Paul Wilson, Malalka Parker, William Romero, Jennifer Zoffel, Nicolas Zoffel, Melody Weintraub, Norah Moore, Ian Bader, Edtaniqua Moore, Tēdra Grogans, Mike Peritz, Charles Cowens, Tammy Campbell, Roshann Simmons, Jocelyn Collins, Debbie Long, Sean Duckworth, Ms. Davis, Herra Kamran, Minē Ternar Kal, Linda Lambie, LaToya Williams, Greg Whaling, Richard Hurrey, Rhonda Burton, Gigi Guizado de Nathan, Kenji Jones, Yoquelin Valencia, Lisa Reynolds.

Ms. Pineda left the dais at 8:10 PM.

Board Comment:

Mr. Thurmond inquired about a list of available surplus properties and Superintendent Harter responded. Ms. Kronenberg, Mr. Medrano, Mr. Ramsey, President Miles and Mr. Thurmond responded to public comment and discussed the criteria and process. Mr. Thurmond requested that the District engage city and county government in the form of an additional meeting. Mr. Medrano suggested the Richmond neighborhood council be included in the community meetings. Ms. Kronenberg made additional suggestions regarding the list of community members.

Superintendent Harter summarized the discussion and amended the school closure criteria and process to include one technical correction under the Enrollment section, provide for additional clarification on the criteria in January, and convene a joint meeting of the cities and county with the Board as early as possible in January. Ms. Kronenberg then requested the addition of resale value as a criteria item.

Mr. Ramsey and Ms. Kronenberg asked for clarification on the Portola relocation project in relation to the criteria and process and Superintendent Harter provided clarification. Ms. Miles referred the discussion to Item E.1 and asked for a motion on Item E.2.

MOTION: Mr. Medrano moved approval of the recommended school consolidation criteria with the technical correction. The motion failed for lack of second.

MOTION: Mr. Ramsey moved to table Item E.2 until the board has considered Item E.1. Mr. Thurmond seconded. Ms. Kronenberg, Mr. Medrano, Mr. Ramsey, Mr. Thurmond and President Miles voted yes, with no abstentions. Motion carried 5-0-0-0.

E.1 Compliance with the California Environmental Quality Act: Adopt Resolution 45-0809 Authorizing Adoption of the Final Environmental Impact Report for the Construction and Renovation of Castro Elementary School to Replace Portola Middle School Project

Mr. Savidge provided a brief report including background to the site, impacts at the site, the decision to relocate the school, the middle school site selection process and view of the Portola Middle School Castro project, and the EIR process and adoption.

Public Comment:

Cathy Travlos, David Miller, Stephen Zavestoski, David Rossi, Todd Wolfe, Reece Halpern, Eric Miller, Kelly Whitney, Saidah Said, Denise Evans, Cindy Melgian, Joanna Pace, Elizabeth Sanders, Christina Slamon, Jill Wolkenfeld, Gretchen Borg, Kathleen Erwin, Robert Studdiford, David Whitenack, David Van Hoy, Paul Karawanny, Kathryn Fujisaka, Harry Saridis, Sharon Farrell, Valerie Snider, Charles Schwarz, Ray Turnipseed, Robert Brower, Michael Srago, Greg Lyman.

Board Comment:

Mr. Ramsey asked for additional information and clarification. Mr. Savidge and Mark Kelley, Attorney, responded. President Miles asked for information. Mr. Kelley clarified that the Board resolution is to approve the Environmental Impact Report, adopt the mitigation measures and also to approve the project as described in the report so that the project planning can go forward. Mr. Medrano, Ms. Kronenberg and Superintendent Harter discussed the impact of this resolution on the criteria and process regarding school closures. Ms. Miles said she believed Portola should be part of the school closure process.

MOTION: Mr. Ramsey moved to adopt Resolution 45-0809 Authorizing Adoption of the Final Environmental Impact Report for the Construction and Renovation of Castro Elementary School to Replace Portola Middle School Project. Ms. Kronenberg seconded. A roll call vote was taken: Ms. Kronenberg, Mr. Ramsey, Mr. Thurmond voted yes, Mr. Medrano and President Miles voted no, with no abstentions. Motion carried 3-2-0-0.

D.3 WCCUSD Public Comment

Public Comment:

Gail Mendes, Linda Lambie, Debbie Willis, Robert Brower, Eduardo Martinez, Douglas Marquez, Kathleen Erwin, Carlos Taboada, Tammy Campbell, Charles Cowens.

E.2 School Consolidation / Closure – Criteria & Process

Mr. Ramsey asked Dr. Harter to outline the criteria as amended.

Superintendent Harter said in addition to the criteria as provided there would be a correction to number two, the criteria would include resale value of property as one of the criteria, and the process would be the same with the addition of the Richmond Neighborhood Council, realtors and taxpayers associations.

Mr. Thurmond commented on the use of consultants and the need for transparency.

MOTION: Mr. Ramsey moved approval of Item E.2 School Consolidation / Closure – Criteria & Process. Mr. Medrano seconded. A roll call vote was taken: Ms. Kronenberg, Mr. Medrano, Mr. Ramsey and President Miles voted yes, Mr. Thurmond voted no, with no abstentions. Motion carried 4-1-0-0.

E.3 First Interim Report, 2008-2009

Sheri Gamba provided a fiscal update for the period ending October 31, 2008.

MOTION: Mr. Ramsey moved to approve Item E.3, First Interim Report, 2008-2009. Mr. Thurmond seconded. Ms. Kronenberg, Mr. Medrano, Mr. Ramsey, Mr. Thurmond and President Miles voted yes, with no abstentions. Motion carried 5-0-0-0.

Public Comment:

Tammy Campbell and Mike Wasilchin spoke about the importance of informing the public on the district budget.

Board Comment:

Mr. Ramsey commented on the qualified certification status.

Mr. Thurmond asked for clarification on cash flow projections and Ms. Gamba responded.

Mr. Thurmond asked that Ms. Gamba provide a best and worst case scenario at the next update.

E.4 Public Hearing – Resolution No. 48-0809, Level II Developer Fees

President Miles opened the public hearing regarding this item.

Public Comment: None

President Miles closed the public hearing.

E.5 Resolution No. 48-0809, Level II and Level III Developer Fees

MOTION: Mr. Ramsey moved approval of Resolution 48-0809. Ms. Kronenberg seconded. Ms. Kronenberg, Mr. Medrano, Mr. Ramsey, Mr. Thurmond and President Miles voted yes, with no abstentions. Motion carried 5-0-0-0.

F. DISCUSSION ITEMS

F.1 Establishment of a WCCUSD Youth Commission

At Mr. Thurmond's request, the Board by consensus agreed to bring this item back to the next Board meeting for discussion and approval.

G. BUSINESS ITEMS

Consent Items

G.1 Contracted Services

Public Comment:

Robert Brower commented on Integra Reality Resources and its reputation for providing property appraisals.

Board Comment:

Mr. Ramsey and Ms. Gamba commented on the selection/ratification process.

Mr. Thurmond raised the issue of using a finance committee to preview expenditures.

Mr. Ramsey asked that Item G.1 be tabled and brought back to a later meeting after following a different approval process.

Superintendent Harter commented on the urgency of obtaining the appraisal value of properties prior to the recommendations around school closure.

Ms. Gamba recommended using Integra Reality Resources until other appraisal firms could be identified.

President Miles and Ms. Kronenberg commented on the importance of approving the appraisers in light of the pending school closure issue.

President Miles asked to bring back the discussion of vendor approval to a later meeting.

MOTION: Ms. Kronenberg moved approval of Item G.1 Contracted Services. Mr. Medrano seconded. Ms. Kronenberg, Mr. Medrano, and President Miles voted yes, Mr. Ramsey and Mr. Thurmond voted no, with no abstentions. Motion carried 3-2-0-0.

G.2 Grants/Awards/Agreements

G.3 Acceptance of Donations

G.4 Approval of Fund-Raising Activities

G.5 Notice of Completions: Bid W068098 Cameron Re-Roof Project, D068088 DeAnza HS Track & Field Project, J068122 Pinole Valley HS Site Work Project, E068126 Pinole Valley HS Parking Lot Paving Project, J068120 Lupine Hills, Harding, Tara Hills Roof Repair Projects

G.6 Resolution No. 49-0809: California Public Employer "Pick-Up" Plan; Resolution No. 50-0809: California State Teachers Retirement System Employer "Pick-Up" Plan; Resolution No. 51-0809: Employer Paid Contributions

G.7 Certificated Personnel Changes

G.8 Certificated Provisional Internship Permit (PIP) Request(s)

G.9 Notification of Claims Rejected

G.10 Ratification and Approval of Engineering Services Contracts

Board Comment:

Mr. Ramsey commented on the CBOC website design and the Richmond High School Security Gate.

G.11 Ratification and Approval of Negotiated Change Orders

G.12 Dover Elementary Sitework Phase II Contract for Construction

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

Construction is currently underway on the first phase of work on the reconstruction of the Dover Elementary School. The District is currently under contract for temporary playground work, site preparation and limited utilities in the area of the new 2-story classroom/Administration building. Work is nearly complete on this project, however, due to delays in final approval for the main construction contract documents, it is necessary to add scope to the current contract which will allow the site to drain and remain accessible during potential weather. The proposed scope of work in this Phase II Sitework contract is well beyond the 10% current contract change order level, and is a cardinal change to the work, which makes a separate bid and award appropriate. The work in this second phase sitework has been prepared by HY Architects and their Civil Engineering consultants to provide for drainage improvements and paving in the two parking areas adjacent to the proposed new building.

The District conducted a public bid for the project. Bids were received on December 9, 2008. Seven Contractors submitted bids. They are as follows: Bay Cities Paving \$86,000; Suarez/Munoz \$84,950; JDB Construction \$113,525; Trinet Construction \$77,000; WR Forde \$108,900; Bruce Carone \$94,325; Evans Brothers \$85,944. The lowest responsive, responsible bidder is Trinet Construction at \$77,000.

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 Notice of Award at the end of the bid protest period, to the lowest responsive, responsible bidder.

Fiscal Impact: Total for this action: \$77,000. Measure J Bond funds.

Board Comment:

Mr. Ramsey inquired about the scope of work and Mr. Savidge responded.

- G.13 Student Shuttle Bus Service for Ford Elementary Temporary Campus
- G.14 Contract Award: RF#0809-06 District Assistance and Intervention Team (DAIT)
- G.15 Resolution No. 52-0809: Certificate of Signatures
- G.16 Citizens' Bond Oversight Committee Appointment

MOTION: Mr. Ramsey moved approval of Consent Items 2 through 16. Ms. Kronenberg seconded. Ms. Kronenberg, Mr. Medrano, Mr. Ramsey, Mr. Thurmond and President Miles voted yes, with no abstentions. Motion carried 5-0-0-0.

H. UNFINISHED REQUESTS TO ADDRESS THE BOARD

None

I. COMMENTS OF THE BOARD OF EDUCATION AND SUPERINTENDENT

Mr. Ramsey spoke about the opening of El Cerrito High School January 5, 2009 and provided an update on the Ivy League Connection.

J. THE NEXT SCHEDULED BOARD OF EDUCATION MEETING

Lovonya DeJean Middle School – January 7, 2009

K. ADJOURNMENT

President Miles adjourned the meeting at 2:05 AM.

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

BH:pr

<i>AAM</i> Approved 1-7-09
