



Board of Education  
**Minutes of Regular Board Meeting**  
**August 23, 2016**  
(UNADOPTED)

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*Open Session*

**1. CALL MEETING TO ORDER**

Board President Gunawan Alisantosa called the meeting to order at 6:00 p.m.

**2. ROLL CALL**

All Board members were present. Student Board representative Alan Pham was also present.

Also present were Interim Superintendent Cheryl Jordan, Assistant Superintendents Wendy Zhang, Norma Rodriguez, and Executive Assistant Charito Cabantac.

**3. APPROVAL OF THE AGENDA**

**Motion: Approve the agenda for the August 23, 2016 Board meeting**  
**M/S Nuñez/Bobay Vote: 5-0**

**4. COMMENTS FROM THE PUBLIC**

None.

**5. CLOSED SESSION**

The meeting moved to closed session at 6:02 p.m. to discuss/or take action on items on its closed session agenda.

**6. CLOSED SESSION ANNOUNCEMENT**

The Board reconvened in open session. The Board president announced that no action was taken by the Board in closed session.

**7. COMMENTS FROM THE PUBLIC**

Community member Amin Fazal requested the Board to consider lowering the fees being currently charged for the use of the MHS soccer fields for the Milpitas Youth Soccer League.

**8. BOARD GROUP AGREEMENTS**

The Board Group Agreements was on the agenda for easy reference for members of the Board. There was no discussion.

**9. SUPERINTENDENT'S REPORT**

The Superintendent led the Board in recognizing MHS and SVCTE student Fe Lorraine Aguinaldo for placing 2<sup>nd</sup> in the nation in Dental Assisting at the Skills USA National Competition held in June 2016 in Kentucky. Milpitas HS resident artists were also recognized for their inspiring work on the building letters at their school, as well as Milpitas service organizations (Kiwanis, Rotary, Knights of Columbus, Lions) for their continuing support to the students of MUSD.

## **10. REPORTS**

### **A. SUMMER SCHOOL REPORT**

Milpitas Unified School housed five summer school programs this summer. The SEAL Summer Bridge program was joined by an elementary reading intervention program to round out the district's traditional elementary enrichment, middle and high school offerings. This year's summer school principals and district staff shared the highlights of the 2016 summer school program.

### **B. DEVELOPER FEE ANNUAL PUBLIC REPORT**

Under Government Code Section 66006(b), each school district that imposes developer fees must make available to the public certain specified information regarding its developer fees fund. These include but are not limited to:

1. A brief description of the fees
2. The amount of the fees
3. The beginning and ending balance of the account or fund
4. The fees collected and interest earned

The governing board reviewed this information at this meeting.

All developer fees collected during 2015-16 were deposited in Fund 250 – Capital Facilities. The Annual Public Report on the Developer Fee Fund for 2015-16. A copy of this was provided to Board members in advance for their review.

## **11. ACTION/DISCUSSION ITEMS**

### **A. CONSIDERATION OF SUPPORTING MEASURE K**

At its August 16<sup>th</sup> meeting, the Milpitas City Council passed a resolution for a ballot measure asking voters to adopt an ordinance that would allow families to have a voice in designating land for parks and open space. Board Vice President Nuñez asked that this be brought before the Board for discussion to consider supporting the action taken by City Council.

Community members Steve Munzel, Machel Kessinger, Harriett McGuire, Pete McHugh talked about the importance of protecting parks and open spaces and urged the Board to support Measure K.

The Board directed staff to present a resolution at the next meeting in support of Measure K for the Board's consideration.

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**B. RESOLUTION APPROVING AMENDMENT TO THE PURCHASE AND SALE AGREEMENT BETWEEN THE DISTRICT AND THE CITY**

On October 21, 2014, the City of Milpitas and the District entered into a Purchase and Sale Agreement for the District to purchase 6.7 acres of City owned property on McCandless Drive. The agreement was amended on October 6, 2015 as Amendment #1 formalized a one year extension of the close of escrow date to October 21, 2016.

Staff from the City and the District drafted Amendment #2, it was presented and discussed in a meeting at the City of Milpitas – Milpitas Unified School District Joint Communications Committee on August 9, 2016.

The essence of Amendment #2 is summarized as follows:

- (1) It introduces a revised payment plan to allow for the purchase price per acre (remaining unchanged at \$3,100,000/acre) to be paid in two installments over a 12 month term (50% at the close of Escrow and 50% 12 months thereafter);
- (2) It includes the requirement of a zero-interest promissory note between the District and the City secured by a secured deed of trust on the underlying subject property;
- (3) It adjusts the purchase price to the final map acceptance of 6.668 acres, or a value of \$20,670,800; and
- (4) It allows for the reimbursement to the District, out of sales proceeds, for costs incurred on site remediation work performed subject to the City review of supporting cost documentation.

**Motion: Adopt Resolution 2017.9 approving amendment #2 to the purchase and sale agreement between MUSD and the City of Milpitas**

**M/S**

**Nuñez/Bobay**

**Vote: 5-0**

**C. RESOLUTION DECREASING THE NUMBER OF CERTIFICATED EMPLOYEES AT THE ROSE CHILD DEVELOPMENT CENTER**

Staff stated that due to the closure of the Randall School Age site there is a need to decrease staffing at this location. This will result in the loss of a two and one half hour per week Child Development Center Paraprofessional One (0.741 FTE) position.

Mr. Nuñez said he needs more information before making a decision on this. Other Board members made similar comments that more information is required.

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**A motion was made by Danny Lau to adopt Resolution 2017.8.  
No one seconded the motion. The motion died.**

**D. MOU WITH HEALTH TRUST FOR A FAMILY RESOURCE CENTER AT  
RANDALL ELEMENTARY SCHOOL**

Milpitas Unified School District (MUSD) and **HealthTrust** have an interest in providing family education and resource services to our students and families residing in the areas of Rose, Randall and the District Office. This geographical area is home to the district's families in greatest need of support as it is also our residential area with the lowest median income. Per Keith Morales, HealthTrust Program Manager, 70% of our families living in this area will qualify for the services provided at our new Family Resource Center.

The MOU outlines the agreement between HealthTrust and the District; HealthTrust will provide services to our families living in this area and the District will provide a portable to house the Family Resource Center at Randall Elementary School. This is an in-kind exchange in which the District provides and maintains the facilities and HealthTrust maintains services and program oversight:

Services provided:

- Developmental Screenings
- Referrals to preventative and remedial services
- Evidence-based parent education (i.e. Triple P, SEEDS, Early Literacy, 24/7 Dads)
- Oral health
- Health and nutrition programs
- Engagement activities and programs designed for parent and child learning

The HealthTrust will manage programs throughout the school day and into the evenings, services to be rendered are valued at approximately \$360K per year. The one time cost of a portable, located along Park Victoria in the southwest area of the Randall campus, is approximately \$281K plus monthly PG&E expenses. Additionally, the district received a \$35K donation for start-up costs from the Summer Hill Apartment Communities, which will be used for FRC furniture, computers, and supplies.

Typically 300+ parents with children ages birth to 5 years are served by a **HealthTrust** Family Resource Center. Recent data collected at the Race St. and Burbank HealthTrust Family Resource Center sites indicate improved outcomes for children who have been supported by their services.

**Motion: Approve the MOU between MUSD and Health Trust for a Family  
Resource Center to be located at Randall Elementary School**

**M/S**

**Bobay/Norwood**

**Vote: 5-0**

**E. FIRST READING OF PROPOSED NEW BOARD POLICY BP 6152.1  
PLACEMENT IN MATHEMATICS COURSES**

The Board conducted the first reading of this proposed new BP. It will be returned for 2<sup>nd</sup> reading at the next Board meeting.

**F. ADOPTION OF REVISED BOARD POLICY BP 6142.92 MATHEMATICS  
INSTRUCTION**

As this BP is an existing Board Policy, only one reading is required before adoption by the Board.

**Motion: Adopt revised BP 6142.92 Mathematics Instruction**

**M/S Nuñez/Lau**

**Vote: 4-0 (Dan Bobay was not in the  
room when the vote was called)**

**G. CONTRACT WITH BLACH CONSTRUCTION FOR MANAGEMENT SERVICES  
RE NEW ELEMENTARY SCHOOL ON McCANDLESS**

On January 5, 2015, the District distributed a Request for Proposal (RFP) seeking a Builder for the new elementary school. Six firms responded. A District committee interviewed the top three firms (Blach, Kitchell and McCarthy) on February 26, 2015 and selected Blach Construction Company. In April 2015, the Board hired Blach Construction to perform pre-construction planning for the new school.

Since the District is now moving forward to construct the new school with modular buildings with a traditional multiple prime delivery method, the District no longer needs a builder in the process. Staff went back to the 2012 Measure E Bond pool of approved construction managers for the selection of a construction management firm. Staff recommends Blach as the construction management firm due to their familiarity with the McCandless site and their excellent performance in the current Bond program.

Staff obtained a proposal from Blach Construction. Their services include:

- Cost Estimate Reviews
- Design Reviews
- Bidding Management
- PSA process management
- Construction Supervision
- Project Close out

Mr. Nuñez wanted to re-bid this job to attract a wider pool of talents and perhaps better

proposals. Mr. Lau and Mr. Bobay felt that the pool is wide enough.

**Motion: Approve the contract with Blach Construction for management services re new elementary school on McCandless**

**M/S Bobay/Lau**

**Vote: 4-1-0 (Mr. Nuñez voted no)**

**H. APPROVE THE CONTRACT AMENDMENT WITH PADRE ASSOCIATES FOR THE IMPLEMENTATION OF SOIL REMOVAL ACTION PLAN**

The District's Environmental consultant for the new elementary school, Padre Associates, has been working over the summer on the bio remediation of the soil on the McCandless site. Padre has been involved from the beginning of this project with planning, testing, coordination with the Department of Toxic Substances Control (DTSC) and the performance of the bio remediation work.

During the course of the remediation work, Padre's contractors encountered unforeseen conditions and requirements by DTSC that resulted in additional costs due to additional labor hours, testing and reporting for a total of \$146,096.

A summary of the scope of services with the detailed description has been provided to the Board for its review.

**Motion: Approve the contract amendment with Padre Associates for the implementation of soil removal action plan**

**M/S Nuñez/Lau**

**Vote: 5-0**

**I. CONTRACT OF EMPLOYMENT FOR THE ASSISTANT SUPERINTENDENT, LEARNING AND DEVELOPMENT**

This position is now a contracted position, with a salary of \$170,788, Statutory benefits of \$25,926, and Health and Welfare benefits of \$11,000. The contract has been shared with the Board in advance for its review.

Mr. Nuñez has some changes in the language of the contract, specifically,

#7 Assistant Superintendent's Duties

- Include the following statement: *"The power and duties of the Assistant Superintendent shall be executed in accordance with applicable policies adopted by the Board under the direction of the Superintendent. The Assistant Superintendent will report directly to the Superintendent."*

and

#8 Evaluation

- After paragraph #1, add a section that reads: *"..... and shall include input from the Board."*

**Motion: Approve the Assistant Superintendent, Learning and Development's employment contract, with the above-noted changes.**

**M/S**

**Núñez/Norwood**

**Vote: 5-0**

**12. CONSENT CALENDAR**

**Motion: Adopt the entire consent calendar thereby approving the following items:**

**M/S**

**Núñez/Bobay**

**Vote: 5-0**

- 13.**
- 1. Adopt the regular Board minutes of June 14, 2016, June 28, 2016, and July 26, 2016**
  - 2. Review and approve the District's Purchase Order Report of August 23, 2016**
  - 3. Approve the Personnel Report of August 23, 2016**
  - 4. Approve the revised clerical job descriptions based on Reclassification Recommendations**
  - 5. Approve the Memorandum of Understanding with Project Cornerstone for Family Engagement Projects training and support**
  - 6. Review the attached agreement for Incident Command Training with ICS4Schools, LLC, and authorize staff to enter into the agreement from August 1, 2016 to August 1, 2017.**
  - 7. Approve the agreement with Santa Clara Swim Club for Use of Milpitas High School's Aquatic Center**
  - 8. Adopt Resolution #2017.7 Year-End Budget Expenditures**
  - 9. Adopt Resolution #2017.6 Year-End Budget Revenues**
  - 10. Adopt Resolution 2017.5 Inter-Fund Borrowing for Fiscal Year 2016-17**
  - 11. Adopt Resolution 2017.4 listing authorized staff to sign orders drawn upon the funds of the district**

- 12. Review and adopt the 2016-17 Budget Calendar**
- 13. Ratify the contract with Ciari Plumbing and Heating for fire hydrant installation at a Rose Elementary portable**
- 14. Approve the 2016-17 Grant Award Notification for California Partnership Academies at Milpitas High School - Carl D. Perkins Career and Technical Education (CTE)**
- 15. Approve the acceptance of the After School Education and Safety Program (ASES) Grant Award**
- 16. Approve the agreement with NEAT (Neuropsychology, Education, Assessment, Treatment)**
- 17. Approve the acceptance of the Milpitas High School Digital Business Academy's membership into the National Academy Foundation (NAF) in the Industry Sector of Information, Communication, and Technology (ICT)**
- 18. Approve the contract with non-public school, AchieveKids, for Student A**
- 19. Approve the contract with nonpublic School, AchieveKids, for Student B**
- 20. Approve the contract with non-public school, AchieveKids, for Student C**
- 21. Approve the contract with non-public school, Second Start Pine Hill**
- 22. Declare the items listed in the attached report as obsolete**
- 23. Appoint Citizens Bond Oversight Committee members Margaret Hoyt, Nancy Mendizabal, Thomas Valore and Joseph Weinstein for a third term through December 2018**
- 24. Approve the new job description of College and Career Technician**
- 25. Approve the agreement between Pomeroy Elementary School and Exploring New Horizons Science Camp**
- 26. Approve the following field trip requests:**
  - Sinnott Elementary School** - 95 students to attend Walden West Outdoor School in Cupertino, CA from October 25 to October 28, 2016. The group will use a district-approved bus.
  - Milpitas High School** - 38 students to visit Angel Island, CA, leaving on September

20, 2016, returning on the same day. The group will use a district approved bus. Part of this trip is over water.

**Milpitas High School** - 150 students to participate in a band competition at Del Oro High School in Loomis, CA. The group will leave on October 15, 2016, returning on the same day. The group will use a district-approved bus.

**Milpitas High School** - 150 students to participate in a band competition at Fairfield High School in Fairfield, CA. The group will leave on November 19, 2016, returning on the same day. The group will use a district-approved bus.

**Milpitas High School** - 100 students to participate in a band competition, orchestra festival, and clinics at San Joaquin Delta College in Stockton, CA. The group will leave on March 9, 2017 returning on the same day. The group will use a district-approved bus.

**Milpitas High School** - 200 students to participate in a band competition, at San Joaquin Delta College in Stockton, CA. The group will leave on March 10, 2017 returning on the same day. The group will use a district-approved bus

**14. ANNOUNCEMENTS/DATES OF FUTURE BOARD MEETINGS**

Mr. Alisantosa read future meetings dates for the Board.

**15. ADJOURNMENT**

The meeting adjourned at 10:45 p.m.

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