



**BOARD OF EDUCATION MEETING  
MINUTES - MEETING FORMAT "A"**

February 07, 2019

**. CLOSED SESSION**

Minutes:

Dr. Tahvildaran-Jesswein called closed session to order at 4:38 p.m.

**.I. PUBLIC COMMENTS FOR CLOSED SESSION ITEMS ONLY**

**.II. CLOSED SESSION**

**.II.A. Government Code 54956.9(d)(1) CONFERENCE WITH LEGAL COUNSEL  
EXISTING LITIGATION (25 min)**

- Name of Case: America Unites for Kids vs. Lyon (C.D. Ca. Sept., 2016), now on appeal to the U.S. Court of Appeals for the Ninth Circuit, America Unites for Kids v. Rousseau, No. 16-56390

**.II.B. Government Code 54956.9(d)(2) CONFERENCE WITH LEGAL COUNSEL  
ANTICIPATED LITIGATION - SIGNIFICANT EXPOSURE TO LITIGATION (15 min)**

- DN-1013-18/19 (Special Education)  
Minutes:  
Educational evaluation expenses: \$5,000  
Parent reimbursement: \$2,500  
Legal Fees: \$21,250  
The total cost for this contract not to exceed: \$28,750. It was moved by Mr. Mechur, seconded by Mr. de la Torre, and approved unanimously.  
Ayes: 7 (Tahvildaran-Jesswein, Kean, de la Torre, Foster, Leon-Vazquez, Lieberman, Mechur)  
Noes: 0  
Absent: 0

**.II.C. Government Code 54957 PUBLIC EMPLOYEE DISCIPLINE / DISMISSAL /  
RELEASE (5 min)**

**.II.D. Government Code 54957.6 CONFERENCE WITH LABOR NEGOTIATORS (20 min)**

- Agency Designated Representative: Dr. Ben Drati
- Employee Organizations: SEIU
- Agency Designated Representative: Dr. Ben Drati
- Employee Organization: SMMCTA
- Agency Designated Representative; Dr. Ben Drati
- Employee Organization: SMMASA

**. OPEN SESSION**

**.I. CALL TO ORDER**

Minutes:

Dr. Tahvildaran-Jesswein called open session to order at 6:14 p.m.

**.I.A. Roll Call**

Minutes:

**Present** Oscar de la Torre

Present Craig Foster  
Present Jon Kean  
Present Maria Leon-Vazquez  
Present Laurie Lieberman  
Present Ralph Mechur  
Present Dr. Richard Tahvildaran-Jesswein

**.I.B. Pledge of Allegiance**

Minutes:  
Led by Malibu HS baseball and softball teams

**.II. APPROVAL OF THE AGENDA**

**Motion Passed:** It is recommended that the Board of Education approve the February 2, 2019, regular meeting agenda. Passed with a motion by Mr. Kean and a second by Mr. Mechur. The board agreed to hear the superintendent's report and general public comments following approval of the minutes.

Yes Mr. Oscar de la Torre  
Yes Mr. Craig Foster  
Yes Mr. Jon Kean  
Yes Ms. Maria Leon-Vazquez  
Yes Ms. Laurie Lieberman  
Yes Mr. Ralph Mechur  
Yes Dr. Richard Tahvildaran-Jesswein

**.III. APPROVAL OF MINUTES**

**.III.A. Approve December 18, 2018, Minutes**

**Motion Passed:** It is recommended that the Board of Education approve the December 18, 2018, special meeting minutes. Passed with a motion by Mr. Foster and a second by Ms. Lieberman.

Yes Mr. Oscar de la Torre  
Yes Mr. Craig Foster  
Yes Mr. Jon Kean  
Yes Ms. Maria Leon-Vazquez  
Yes Ms. Laurie Lieberman  
Yes Mr. Ralph Mechur  
Yes Dr. Richard Tahvildaran-Jesswein

**.III.B. Approve January 17, 2019, Minutes**

**Motion Passed:** It is recommended that the Board of Education approve the January 17, 2019, regular meeting minutes. Passed with a motion by Mr. Foster and a second by Ms. Lieberman.

Yes Mr. Oscar de la Torre  
Yes Mr. Craig Foster  
Yes Mr. Jon Kean  
Yes Ms. Maria Leon-Vazquez  
Yes Ms. Laurie Lieberman  
Yes Mr. Ralph Mechur  
Yes Dr. Richard Tahvildaran-Jesswein

**.III.C. Approve January 24, 2019, Minutes**

**Motion Passed:** It is recommended that the Board of Education approve the January 24, 2019, special meeting minutes. Passed with a motion by Mr. Foster and a second by Ms. Lieberman.

Yes Mr. Oscar de la Torre  
Yes Mr. Craig Foster

Yes Mr. Jon Kean  
Yes Ms. Maria Leon-Vazquez  
Yes Ms. Laurie Lieberman  
Yes Mr. Ralph Mechur  
Yes Dr. Richard Tahvildaran-Jesswein

#### **.IV. BOARD OF EDUCATION COMMENDATIONS/RECOGNITIONS**

#### **.V. STUDY SESSION**

#### **.VI. COMMUNICATIONS**

##### **.VI.A. Student Board Member Reports (15 min)**

##### **.VI.A.1. Santa Monica High School**

Minutes:

Time start: 6:54 p.m. Time end: 7:05 p.m.

Mr. Blain reported that he has been working with Dr. Shelton and the ASB advisor regarding the creation of a multi-school student senate in order to give a voice of all the Santa Monica students at the board meetings. Mr. Blain requested that more water bottle filling stations be installed on the Samohi campus. The first pep rally of the year will be tomorrow and will have a High School Musical theme. The winter semi-formal will be on February 23. ASB elections will be held at the end of March. The flex time pilot period went well, and students received the extra help they needed during the school day. CSBA Legislative Day will be on March 12 in Sacramento, and Mr. Blain said he would like to attend, but would need a board member to go with him; Mr. de la Torre said he would be interested.

##### **.VI.A.2. Malibu High School**

Minutes:

Absent

##### **.VI.A.3. Olympic High School**

Minutes:

Absent

##### **.VI.B. SMMCTA Update (5 min)**

Minutes:

Time start: 7:05 p.m. Time end: 7:09 p.m.

Ms. Murawski delivered the report for Ms. Braff. She reported that the union completed the pilot of a new system for administrator reviews. The results of this pilot will be shared with the principals this month and with Dr. Drati at the end of the year. SMMCTA raised funds and collected gift cards for Woolsey fire victims. Ms. Murawski thanked everyone who donated. During the UTLA strike, SMMCTA adopted Venice HS as a way of showing support for those teachers. Union members have been reporting that they are being asked to cover meetings and subbing for other teachers during prep periods, which goes against the contract. Ms. Murawski reported that teachers feel they did not have time to respond to the Ed Specs survey. She also expressed SMMCTA's support of the Olympic HS school and program.

##### **.VI.C. SEIU Update (5 min)**

Minutes:

Absent

**.VI.D. PTA Council (5 min)**

Minutes:

Absent

**.VII. SUPERINTENDENT'S REPORT**

Minutes:

Time start: 6:18 p.m. Time end: 6:23 p.m.

Dr. Drati acknowledged the members of public in the audience, who were in attendance to speak about the mud flows on the Malibu HS athletic fields resulting from the heavy rains. He explained that following the Woolsey Fire, we knew there would most likely be water and debris flows from the rains. There have been a handful of storms since, and mud has, in fact, affected the fields. Dr. Drati said he recognized the ill-timing of these natural disasters, given the fact that it is spring sports season. He reported that our district has been working with engineers and the city to address the situation. The engineers are working on long-term and short-term solutions.

Dr. Drati reported that the Las Virgenes USD Board of Education recognized our school district for hosting their Payroll Department during the Woolsey Fire, enabling their staff to process payroll for their district employees, even though they were evacuated from their district office.

**.VIII. CONSENT CALENDAR**

**Passed** with a motion by Mr. Foster and a second by Mr. Kean.

- Yes Oscar de la Torre
- Yes Mr. Craig Foster
- Yes Jon Kean
- Yes Maria Leon-Vazquez
- Yes Laurie Lieberman
- Yes Ralph Mechur
- Yes Dr. Richard Tahvildaran-Jesswein

Minutes:

The board approved Item Nos. A.1-4, A.6, B.2-6, C.1-27, and D.1-5 listed under the Consent Calendar. The board approved Item Nos. A.5 and B.1 separately.

Time start: 7:09 p.m. Time end: 7:18 p.m.

Public Comments:

- Seth Jacobson addressed the board regarding Item No. VIII.A.5.

**.VIII.A. Curriculum and Instruction**

- .VIII.A.1. Approval of Independent Contractors**
- .VIII.A.2. Conference and Travel Approval/Ratification - 2018/2019**
- .VIII.A.3. Overnight Field Trip(s) 2018-19**
- .VIII.A.4. Approval of 2018-19 School Accountability Report Cards (SARCs) for Elementary, Middle, and High Schools**
- .VIII.A.5. Approve Comprehensive School Safety Plans for 2018-19 for All District Schools**

**Amended Motion Passed:** It is recommended that the Board of Education approve the Comprehensive School Safety Plan the Santa Monica plans; direct staff to execute a comprehensive review of the Malibu plans before they return for action in light of the Woolsey Fire and in anticipation of other natural disasters; have the Malibu schools operate under their current plans until the revised plans are ready for adoption; and let LACOE know of this delay, if necessary. Passed with a motion by Mr. Foster and a second by Mr. Mechur.

- Yes Oscar de la Torre
- Yes Mr. Craig Foster
- No Jon Kean

Yes Maria Leon-Vazquez  
Yes Laurie Lieberman  
Yes Ralph Mechur  
Yes Dr. Richard Tahvildaran-Jesswein

Minutes:

Time start: 7:23 p.m. Time end: 8:09 p.m.

Following public comment regarding this item, Ms. Lieberman moved to reconsider the action taken, seconded by Mr. Foster, and voted 7/0.

#### **.VIII.A.6. Special Education Contracts**

#### **.VIII.B. Business and Fiscal**

##### **.VIII.B.1. Award of Purchase Orders**

**Motion Passed:** It is recommended that the Board of Education approve the following Purchase Orders and Changed Purchase Orders from January 4, 2019, through January 23, 2019, for fiscal /19. Passed with a motion by Mr. Foster and a second by Mr. Mechur.

Abstain Oscar de la Torre

Yes Mr. Craig Foster

Yes Jon Kean

Abstain Maria Leon-Vazquez

Yes Laurie Lieberman

Yes Ralph Mechur

Yes Dr. Richard Tahvildaran-Jesswein

Minutes:

Ms. Leon-Vazquez abstained, as she was listed for reimbursement. Mr. de la Torre abstained, as his organization has received contributions from AALRR.

##### **.VIII.B.2. Acceptance of Gifts - 2018/2019**

##### **.VIII.B.3. Approval of Disposal/Recycle Of Surplus Equipment**

##### **.VIII.B.4. Notice of Completion for Bid# 19.11 for Earthquake Valve Upgrades**

##### **.VIII.B.5. Notice of Completion for Bid #18.24 Cafetorium AV Upgrade for Elementary Schools**

##### **.VIII.B.6. Award of Tree Trimming Service contract to South Bay Landscaping**

#### **.VIII.C. Facilities Improvement Projects**

##### **.VIII.C.1. Approval of Independent Contractors**

##### **.VIII.C.2. Ratification of Approval of Lease-Leaseback (LLB) Procedures and Guidelines JAMS Performing Arts Center Project**

##### **.VIII.C.3. Ratification of Award of Agreement - Edison Language Academy and Santa Monica High School Solar PV and battery installation Performance Contracting Inc. (PCI) - Measure ES**

##### **.VIII.C.4. Authorization to Use Fullerton Joint Union High School Districts Piggyback Bid #1516-15 Shade Structures Brand DSA Preapproved Shade Structures Shade Structures, Inc. dba USA Shade & Fabric Structures**

##### **.VIII.C.5. Award of Contract Webster Elementary School Malibu Alignment Project (Webster Playground) EasyTurf Award - Measure ES**

##### **.VIII.C.6. Award of Contract Webster Elementary School Malibu Alignment Project (Webster Playground) USA Shade & Fabric Structures Measure ES**

##### **.VIII.C.7. Amendment #08 to Agreement Programwide - Program Management Services Massetti Consulting, LLC Measure ES**

##### **.VIII.C.8. Amendment #62 to Agreement Malibu Middle & High School Campus Improvements Project - Architectural Services - HMC Architects Measure BB**

- .VIII.C.9. Amendment #63 to Agreement Webster Elementary School Drop-off & Parking Lot Reconfiguration Project Architectural and Engineering Services - HMC Architects Measure BB
- .VIII.C.10. Amendment #16 to Agreement Cabrillo Elementary School Window, Paint, Floors & Doors Project - Architectural Services - HMC Architects Measure ES
- .VIII.C.11. Contract Amendment #20 to Agreement Pt. Dume Elementary School Malibu Alignment Project - Architectural Design Services dsk Architects Measure ES
- .VIII.C.12. Amendment #18 to Agreement - Architectural Services - Santa Monica High School Campus Plan Project - As Needed Campus Architectural and Engineering Services Chan Young Architects Measure ES
- .VIII.C.13. Amendment #05 to Agreement McKinley Elementary School Window, Paint, Floors & Doors Project and HVAC Project Architectural Services Rachlin Partners Measure ES
- .VIII.C.14. Amendment #15 to Agreement - Lincoln Middle School Field and Track Replacement Project Inspector of Record Services Sandy Pringle Associates Measure ES
- .VIII.C.15. Amendment #10 to Agreement John Adams Middle School Performing Arts Center Project Geotechnical and Materials Testing Services Converse Consultants Measure ES
- .VIII.C.16. Amendment #14 to Agreement Pt. Dume Elementary School Malibu Alignment Project Survey Services Psomas Measure ES
- .VIII.C.17. Amendment #15 to Agreement Santa Monica High School Discovery Building Project Survey Services Psomas Measure ES
- .VIII.C.18. Amendment #01 to Agreement Malibu Middle & High School Malibu Fire Monitoring Consulting Services - Forensic Analytical Consulting Services (FACS)
- .VIII.C.19. Change Order #09 to Agreement Santa Monica High School Discovery Building Project Demolition of Science and Technology Buildings Construction Contract Bid #18.13.ES - Ampco Contracting - Measure ES
- .VIII.C.20. Change Order #03 Malibu Middle & High School Window, Paint, Floors & Doors Project Construction Contract Bid #17.11.ES Angeles Contractor, Inc. Measure ES
- .VIII.C.21. Change Order #02 Malibu Middle & High School Campus Improvements Project (Phase 3, 4 & 5) Lease-Lease Back (LLB) Construction Contract Bid #18.05.BB.ES McCarthy Building Companies, Inc. - Measure BB & Measure ES
- .VIII.C.22. Change Order #01 to Agreement Santa Monica High School HVAC Project Pool HVAC Maintenance Construction Contract Bid #18.32.ES ACCO Engineered Systems Measure ES
- .VIII.C.23. Change Order #02 to Agreement Santa Monica High School HVAC Project Pool HVAC Maintenance Construction Contract Bid #18.32.ES ACCO Engineered Systems Measure ES
- .VIII.C.24. Award of Agreement John Adams Middle School, Santa Monica High School & Malibu Middle & High School Burke, Williams & Sorenson, LLP PLA Legal Services Measure BB and Measure ES
- .VIII.C.25. Accept Work as Complete Multiple Purchase Orders Various Projects Measure BB & ES
- .VIII.C.26. Accept Work as Completed Malibu Middle & High School Campus Improvements Projects Window, Paint, Floors & Doors Project (Buildings F, I & G) Construction Contract Bid #17.11.ES - Angeles Contractor, Inc. Measure ES

**.VIII.C.27. Continued Authorization of Emergency Resolution Malibu Middle High School Building D Flooding**

**.VIII.D. Personnel**

**.VIII.D.1. Certificated Personnel - Elections, Separations**

**.VIII.D.2. Classified Personnel - Merit**

**.VIII.D.3. Classified Personnel - Non-Merit**

**.VIII.D.4. Increase in Staffing (FTE) - Facility Use Department**

**.VIII.D.5. Student Teaching Agreement - CalState TEACH**

**.IX. GENERAL PUBLIC COMMENTS**

Minutes:

Time start: 6:23 p.m. Time end: 6:54 p.m.

Public Comments:

- Melanie Goudzwaard, Amelia Goudzwaard, Max Gordon, Billy Ashley, Russ Purtell, Geoff Stern, Greg Hughes, Frank Thomas, and Peter Hopkinson addressed the board regarding mud debris flows on the athletic fields. The board directed the issue back to staff, suggesting the superintendent coordinate with the City of Malibu to find field space for practice and games.

**.X. DISCUSSION ITEMS**

**.X.A. Consider Revising E 1330 Use of School Facilities (40 min)**

Minutes:

Time start: 8:09 p.m. Time end: 8:51 p.m.

Staff answered board members' questions regarding the rationale behind the rate increases, how costs are calculated, and how staffing decisions are made.

The board suggested that staff examine the rental rates for commercial groups in Culver City and El Segundo USDs. The board also requested budget and rental data from the Facilities Use Department. This item will return as information at the next board meeting.

**.X.B. Consider Revising BP and AR 3311.1 Uniform Public Construction Cost Accounting Procedures (10 min)**

Minutes:

Time start: 8:51 p.m. Time end: 8:54 p.m.

This item will return as action/information at the next board meeting.

**.X.C. Update on the Facilities Improvement Bond Program (45 min)**

Minutes:

Time start: 8:54 p.m. Time end: 9:20 p.m.

Staff answered board members' questions regarding how to market the construction information out to the broader community and plans for the olive tree and circle on the Samohi campus.

**.XI. MAJOR ACTION ITEMS**

**.XI.A. Adopt Resolution No. 18-28 - In Honor of Black History Month (5 min)**

**Motion Passed:** It is recommended that the Board of Education adopt Resolution No. 18-28 – In Honor of Black History Month. Passed with a motion by Ms. Leon-Vazquez and a second by Ms. Lieberman.

Yes Oscar de la Torre

Yes Mr. Craig Foster

Yes Jon Kean

Yes Maria Leon-Vazquez

Yes Laurie Lieberman

Yes Ralph Mechur  
Yes Dr. Richard Tahvildaran-Jesswein

Minutes:  
Time start: 9:20 p.m. Time end: 9:22 p.m.

**.XI.B. Adopt Resolution No. 18-29 - Career Technical Education (CTE) Month (5 min)**

**Motion Passed:** It is recommended that the Board of Education adopt Resolution No. 18-29 – In Honor of Career Technical Education (CTE) Month. Passed with a motion by Ms. Leon-Vazquez and a second by Mr. Foster.

Yes Oscar de la Torre  
Yes Mr. Craig Foster  
Yes Jon Kean  
Yes Maria Leon-Vazquez  
Yes Laurie Lieberman  
Yes Ralph Mechur  
Yes Dr. Richard Tahvildaran-Jesswein

Minutes:  
Time start: 9:22 p.m. Time end: 9:23 p.m.

**.XI.C. Approval of 2017-18 Annual Financial Audit Report (20 min)**

**Motion Passed:** It is recommended that the Board of Education accept the 2017-18 Annual Financial Audit Report and approve management discussion and analysis/the administrative responses to the “Findings” & “Recommendations” as contained in the Subject audits. Passed with a motion by Ms. Lieberman and a second by Mr. Mechur.

Yes Oscar de la Torre  
Yes Mr. Craig Foster  
Yes Jon Kean  
Yes Maria Leon-Vazquez  
Yes Laurie Lieberman  
Yes Ralph Mechur  
Yes Dr. Richard Tahvildaran-Jesswein

Minutes:  
Time start: 7:18 p.m. Time end: 7:22 p.m.

**.XI.D. Appointment of Personnel Commissioner Lauren Robinson (5 min)**

**Motion Passed:** It is recommended that the Board of Education approve the selection of Lauren Robinson as a Personnel Commissioner, as recommended by the Personnel Commission Selection Committee, and forward the nomination to the State Superintendent of Public Instruction for appointment. Passed with a motion by Mr. Mechur and a second by Mr. Kean.

Yes Oscar de la Torre  
Yes Mr. Craig Foster  
Yes Jon Kean  
Yes Maria Leon-Vazquez  
Yes Laurie Lieberman  
Yes Ralph Mechur  
Yes Dr. Richard Tahvildaran-Jesswein

Minutes:  
Time start: 9:23 p.m. Time end: 9:23 p.m.

**.XI.E. Appointment of Personnel Commissioner Maria Stewart (5 min)**

**Motion Passed:** It is recommended that the Board of Education approve the selection of Maria Stewart as a Personnel Commissioner, as recommended by the Personnel Commission Selection Committee, and forward the nomination to the State Superintendent of Public Instruction for appointment. Passed with a motion by Ms. Leon-Vazquez and a second by Mr. Foster.

Yes Oscar de la Torre  
Yes Mr. Craig Foster  
Yes Jon Kean  
Yes Maria Leon-Vazquez  
Yes Laurie Lieberman  
Yes Ralph Mechur  
Yes Dr. Richard Tahvildaran-Jesswein

Minutes:

Time start: 9:23 p.m. Time end: 9:24 p.m.

**.XI.F. Adopt Resolution No. 18-30 - Certification of Final Environmental Impact Report, Findings, Adoption of Mitigation Monitoring Program and Statement of Overriding Considerations, and Approval of the Santa Monica High school Campus Plan Project (40 min)**

**Motion Passed:** It is recommended that the Board of Education (“Board”) adopt Resolution 18-30 to certify the Final Environmental Impact Report (“EIR”), make certain findings, adopt a Mitigation Monitoring Program (“MMP”) and Statement of Overriding Considerations, and approve the Santa Monica High School Campus Plan Project (“Proposed Project”). Passed with a motion by Mr. Kean and a second by Mr. de la Torre.

Yes Oscar de la Torre  
Yes Mr. Craig Foster  
Yes Jon Kean  
Yes Maria Leon-Vazquez  
Yes Laurie Lieberman  
Yes Ralph Mechur  
Yes Dr. Richard Tahvildaran-Jesswein

Minutes:

Time start: 9:24 p.m. Time end: 9:43 p.m.

Staff answered board members’ questions regarding steps being taken to ensure correct steps are taken in case tribal artifacts are discovered; the process for informing the community of the EIR comment period; and the process of determining if additional EIRs in the future phases.

**.XI.G. Award of Contract Santa Monica High School Discovery Building Project Lease-Leaseback RFP #19.10.ES.R1 McCarthy Building Companies, Inc. - Measure ES (5 min)**

**Motion Passed:** It is recommended that the Board of Education award a contract for the Lease-Leaseback Agreement for Santa Monica High School – Discovery Building Project - RFP #19.10.ES.R1 to McCarthy Building Companies, Inc., in an amount not to exceed \$2,796,636.00. Passed with a motion by Mr. de la Torre and a second by Mr. Foster.

Yes Oscar de la Torre  
Yes Mr. Craig Foster  
Yes Jon Kean  
Yes Maria Leon-Vazquez  
Yes Laurie Lieberman  
Yes Ralph Mechur  
Yes Dr. Richard Tahvildaran-Jesswein

Minutes:

Time start: 9:43 p.m. Time end: 9:46 p.m.

**.XII. INFORMATIONAL ITEMS**

**.XII.A. Assignment of Board of Education Liaisons to District Advisory Committees, Financial Oversight, Facilities Advisory and Citizens' Oversight Committee, PTA Council, and Ed Foundation**

**.XII.B. District Advisory Committee (DAC) Mid-year Written Reports**

**.XIII. BOARD MEMBER ITEMS**

**.XIV. REQUESTS BY MEMBERS OF THE PUBLIC OR DISTRICT ADVISORY COMMITTEES TO ADDRESS THE BOARD OF EDUCATION**

**.XV. CONTINUATION OF PUBLIC COMMENTS**

**.XVI. BOARD MEMBER COMMENTS**

Minutes:

Time start: 9:47 p.m. Time end: 9:50 p.m.

- Mr. Foster reported that, following several delays due to fire and floods, the Malibu HS theater department was able to put on a spectacular production of "Spring Awakening."
- Dr. Tahvildaran-Jesswein reported the Café Samohi was held over weekend. He remarked on the talented and incredible student work.

**.XVII. FUTURE AGENDA ITEMS**

**.XVIII. ADJOURNMENT**

It was moved by Mr. Foster, seconded by Mr. de la Torre, and voted 7/0 to adjourn the meeting at 9:50 p.m. The next regular meeting is scheduled for Thursday, February 21, 2019, at 5:30 p.m. at the district office: 1651 16th St., Santa Monica, CA

Approved: \_\_\_\_\_

\_\_\_\_\_  
President

\_\_\_\_\_  
Superintendent

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