



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

July 18, 2019

**. CLOSED SESSION**

Minutes:

Mr. Kean called open session to order at 4:36 p.m.

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

**.II. CLOSED SESSION**

**.II.A. Government Code 54956.9(d)(2) CONFERENCE WITH LEGAL COUNSEL  
ANTICIPATED LITIGATION SIGNIFICANT EXPOSURE TO LITIGATION (20  
min)**

- DN-1001-19/20 (Special Education)  
Minutes:  
This item was postponed to 8/1/19.

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

**.II.C. Government Code 54957.6 CONFERENCE WITH LABOR NEGOTIATORS (35  
min)**

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

**. OPEN SESSION**

**.I. CALL TO ORDER**

Minutes:

Mr. Kean called open session to order at 5:39 p.m.

**.I.A. Roll Call**

Minutes:

**Present** Oscar de la Torre  
**Present** Craig Foster – *absent from 5:30-5:39 p.m.*  
**Present** Jon Kean  
**Present** Maria Leon-Vazquez  
**Absent** Laurie Lieberman  
**Present** Ralph Mechur  
**Present** Dr. Richard Tahvildaran-Jesswein – *participated via teleconference*

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

Minutes:

Led by Steve Massetti

## **.II. APPROVAL OF THE AGENDA**

**Motion Passed:** It is recommended that the Board of Education approve the July 18, 2019, regular meeting agenda. Passed with a motion by Mr. Mechur and a second by Ms. Leon-Vazquez.

Yes Mr. Oscar de la Torre

Absent Mr. Craig Foster

Yes Mr. Jon Kean

Yes Ms. Maria Leon-Vazquez

Absent Ms. Laurie Lieberman

Yes Ralph Mechur

Yes Dr. Richard Tahvildaran-Jesswein

## **.III. APPROVAL OF MINUTES**

### **.III.A. Approve June 27, 2019, Minutes**

**Motion Passed:** It is recommended that the Board of Education approve the June 27, 2019, regular meeting minutes. Passed with a motion by Mr. Mechur and a second by Ms. Leon-Vazquez.

Yes Mr. Oscar de la Torre

Absent Mr. Craig Foster

Yes Mr. Jon Kean

Yes Ms. Maria Leon-Vazquez

Absent Ms. Laurie Lieberman

Yes Ralph Mechur

Yes Dr. Richard Tahvildaran-Jesswein

## **.IV. STUDY SESSION**

### **.IV.A. Joint Session with the Financial Oversight Committee (FOC) (60 mins)**

Time Certain: 6:30 p.m.

Minutes:

Time start: 6:30 p.m. Time end: 7:12 p.m.

The FOC members answered board questions regarding the power purchase agreement for the photovoltaic panels; funding opportunities for sustainability efforts and personnel; the special education data; the ERAF calculations; how the FOC or another committee could evaluate the effectiveness of curricular programs; and using technology to realize efficiencies. Mr. Mechur suggested dividing bullet point C in the Suggested Topics of Study for 2019-20 into two parts. The board agreed. Staff will include FOC minutes in the Friday Memo to board members. The board acknowledged Tom Larmore's and Joan Krenik's years of service to the FOC.

## **.V. COMMUNICATIONS**

### **.V.A. SMMCTA Update (5 min)**

Minutes:

Time start: 5:39 p.m. Time end: 5:40 p.m.

Ms. Braff reported that she met with the new director of special education and feels confident that everyone is on the same page. She asked the board to direct the Fiscal Department to have the budget revision available in August and not wait until the fall. She also requested an update from staff on Project-Based Learning.

### **.V.B. SEIU Update (5 min) – absent**

### **.V.C. PTA Council (5 min) – absent**

## **.VI. SUPERINTENDENT'S REPORT**

Minutes:

No report

## **.VII. CONSENT CALENDAR**

**Passed** with a motion by Mr. Foster and a second by Ms. Leon-Vazquez.

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

Minutes:

The board approved Item Nos. A.1-8, B.1-2, C.1-16, and D.1-4 listed under the Consent Calendar. The K12 Insight contract was pulled from Item No. VII.A.1. Dr. Drati answered board members' questions regarding the Robert Howard contract listed under Item No. VII.A.1.

Time start: 5:41 p.m. Time end: 5:45 p.m.

### **.VII.A. Curriculum and Instruction**

- .VII.A.1. Independent Contractors 2019-20**
- .VII.A.2. Conference and Travel Approval/Ratification - 2019-20**
- .VII.A.3. Overnight Field Trip(s) 2019-20**
- .VII.A.4. Approval of Fee Increase for Child Development Infant Toddler Center (ITC) at Santa Monica High School**
- .VII.A.5. Supplemental Textbooks**
- .VII.A.6. Consolidated Application**
- .VII.A.7. Special Education Contracts - 2018-19**
- .VII.A.8. Special Education Contracts - 2019-20**

### **.VII.B. Business and Fiscal**

- .VII.B.1. Award of Purchase Orders**
- .VII.B.2. Acceptance of Gifts - 2019/2020**

### **.VII.C. Facilities Improvement Projects**

- .VII.C.1. Authorization to Use CMAS Contract Districtwide Construction Program Management Software System MP Interactive Corporation (e-Builder, Inc.)**
- .VII.C.2. Award of Agreement Measure ES, SMS & M Centralized Cost Capital Program Construction Program Management Software System MP Interactive Corporation (e-Builder, Inc.) Measure ES**
- .VII.C.3. Change Order #02 Malibu Elementary School - Malibu Alignment Project Temporary Housing Construction Contract Bid #19.26.ES Waisman Construction, Inc. - Measure ES**
- .VII.C.4. Change Order #05 Malibu Elementary School Window, Paint, Floors & Doors, HVAC & Fire Alarm Project Construction Contract The Nazerian Group - Measure ES**
- .VII.C.5. Amendment #25 to Agreement John Adams Middle School Field Replacement Project Utility Inspection and Drainage Study Psomas Measure ES**
- .VII.C.6. Change Order #02 John Adams Middle School HVAC & Fire Alarm Project Construction Contract Bid #18.26.ES.R1 NOVUS Construction - Measure ES**
- .VII.C.7. Amendment #01 to Agreement Malibu Middle and High School Campus Improvements Project Commissioning Consulting Services 3QC, Inc. Measure BB**
- .VII.C.8. Amendment #01 to Agreement Malibu Middle & High School Campus Plan Project Architectural Services LPA Architects**

- .VII.C.9. Change Order #06 Malibu Middle & High School Campus Improvements (Phase 3, 4 & 5) Project Lease-Lease Back (LLB) Construction Contract Bid #18.05.BB.ES McCarthy Building Companies, Inc. - Measures BB & ES**
- .VII.C.10. Change Order #07 Malibu Middle & High School Campus Improvements (Phase 3, 4 & 5) Project Lease-Lease Back (LLB) Construction Contract Bid #18.05.BB.ES McCarthy Building Companies, Inc. - Measures BB & ES**
- .VII.C.11. Amendment #20 to Agreement Santa Monica High School Discovery Building Project Inspector of Record Services Sandy Pringle Associates, Inc. Measure ES**
- .VII.C.12. Accept Work as Complete Multiple Purchase Orders Various Projects Measure ES**
- .VII.C.13. Accept Work as Completed Santa Monica High School HVAC Project - Language Building Chiller - Construction Contract Bid #19.07.ES ACCO Engineered Systems - Measure ES**
- .VII.C.14. Project Assignment #05 Washington West Window, Paint, Floors & Doors Project and HVAC & Fire Alarm Project Architectural Design Services - dsk Architects Measure ES**
- .VII.C.15. Amendment #66 to Agreement Malibu Middle & High School Campus Improvements Project Architectural Services HMC Architects**
- .VII.C.16. Amendment #67 to Agreement Malibu Middle & High School Campus Improvements Project Architectural Services HMC Architects**

**.VII.D. Personnel**

- .VII.D.1. Certificated Personnel - Elections, Separations**
- .VII.D.2. Classified Personnel - Merit**
- .VII.D.3. Increase in Staffing (FTE) - Educational Services**
- .VII.D.4. Increase in Staffing (FTE) - Special Education**

**.VIII. GENERAL PUBLIC COMMENTS**

Minutes:

Time start: 5:46 p.m. Time end: 5:50 p.m.

Public Comments:

- Jane Schmitz addressed the board regarding investing more money in healthier food served in the schools.

**.IX. DISCUSSION ITEMS**

**.IX.A. Consider Replacing BP and Adopting AR 4119.26 Student and Staff Interaction (formerly known as Non-fraternization with Students) (20 min)**

Minutes:

Time start: 5:50 p.m. Time end: 6:01 p.m.

Staff answered board members' questions regarding what governs the employees of outside organizations that have a presence on our campuses, how employees are trained in the details regarding this policy, and how the district might be able to reach out to the families of traditionally targeted groups of students to educate them regarding this topic. Mr. de la Torre suggested that outside contractors should be provided with these such policies when they sign their contract.

**.IX.B. Consider Replacing BB 9240 Board Training (formerly known as Board Development) (20 min)**

Minutes:

Time start: 6:01 p.m. Time end: 6:29 p.m.

Staff answered board members' questions regarding the various, specific conferences that occur throughout the year for board members as well as other opportunities not listed. Following discussion, the board agreed to amend the language to remove CABE from the specific list, to increase the individual allotment to \$2K, and if a board member has interest in attending a conference above the individual allotment, they could request an appeal through a consent item for board consideration. Staff will create a form for board members to fill out with the rationale for attending a conference as well as providing a report post-conference.

## **.X. MAJOR ACTION ITEMS**

### **.X.A. Recommendation of Appointments To Fill Vacancies on the Financial Oversight Committee (FOC) (5 min)**

**Motion Passed:** The Board subcommittee supports the Financial Oversight Committee (FOC) recommendation that the Board of Education approve the appointments of Seth Jacobson and Marc Levis-Fitzgerald to fill vacancies on the FOC for term commencing July 1, 2019, through June 30, 2022. Passed with a motion by Mr. de la Torre and a second by Mr. Mechur.

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

Minutes:

Time start: 7:13 p.m. Time end: 7:13 p.m.

### **.X.B. Amend Contract and Increase Budget John Adams Middle School Performing Arts Center Lease-Leaseback (LLB) RFP #19.20.ES Bernards Measure ES (30 min)**

**Motion Passed:** It is recommended that the Board of Education 1) increase and adjust the Measure ES – Santa Monica Other Allocation Budget; 2) Increase and adjust the Performing Arts Center Project Budget; and 3) Amend the contract for the Lease-Leaseback Agreement for John Adams Middle School – Performing Arts Center Project - RFP #19.20.ES awarded to Bernards, at the 02/21/19 Board Meeting. The amendment of \$32,927,581.00 will establish the Guaranteed Maximum Price (GMP) in the amount of \$34,039,250.00 (for the Performing Arts Center, including the Rehearsal Building, but excluding the Music Building Modernization), which includes the not to exceed amount of \$1,111,669.00 previously awarded for the approval of the Site Lease and Facilities Lease to provide Preliminary Services, abatement, demolition, and grading (non-DSA work) as well as development of a GMP. Passed with a motion by Mr. Foster and a second by Ms. Leon-Vazquez.

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

Minutes:

Time start: 7:13 p.m. Time end: 7:37 p.m.

Staff answered board members' questions regarding the insurance cost, design fees, and the increase in costs since the original budget.

**.XI. INFORMATIONAL ITEMS**

- .XI.A. Quarterly Report on Williams Uniform Complaints**
- .XI.B. Quarterly Report on Hate-Motivated Behavior**
- .XI.C. Quarterly Report on Disability Harassment Reporting**

**.XII. BOARD MEMBER ITEMS**

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

**.XIV. CONTINUATION OF PUBLIC COMMENTS**

Minutes:

Time start: 7:37 p.m. Time end: 7:46 p.m.

Public Comments:

- Zina Josephs addressed the board regarding an art teaching position at JAMS.
- Seth Jacobson addressed the board regarding transportation for Malibu students to the new PBL high school. Staff will look into options.

**.XV. BOARD MEMBER COMMENTS**

Minutes:

Time start: 7:46 p.m. Time end: 7:47 p.m.

- Mr. de la Torre invited everyone to attend the CA Latino School Board Association's Unity Conference, which will have the focus of Advancing the New Latino Majority. He also invited everyone to attend the Pico Youth and Family Center's Second Annual Social Justice and Mindfulness Summer Camp.

**.XVI. FUTURE AGENDA ITEMS**

**.XVII. ADJOURNMENT**

It was moved by Ms. Leon-Vazquez, seconded by Mr. Mechur, and voted 6/0 (Ms. Lieberman was absent) to adjourn the meeting at 7:47 p.m. in memory of Fred Beteta, a former school board member, and Tyler Skaggs, a Santa Monica High School graduate. The next regular meeting is scheduled for August 1, 2019, at 5:30 p.m. at the district office: 1651 16<sup>th</sup> St., Santa Monica, CA.

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

\_\_\_\_\_  
President

\_\_\_\_\_  
Superintendent

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Meetings are rebroadcast in Malibu on Government Access Ch. 3 every Saturday at 8pm.***