



**POWAY UNIFIED SCHOOL DISTRICT
MINUTES OF THE BOARD OF EDUCATION
AT A REGULAR MEETING**

August 17, 2009
Morning Creek Elementary School

CLOSED SESSION

President Andy Patapow called the meeting to order at 4:00 p.m. to receive public comment on the closed session agenda items. There were no public comments. President Patapow announced Closed Session and stated “The existing facts and circumstances that might result in litigation against the school district pertain to a dispute regarding the obligation of California Properties Leisure Life and California Properties to pay school impact fees for the Cresta Bella Apartments project to be located at 14440 Peñasquitos Drive in the City of San Diego.” The Board convened to closed session in the staff lounge. Jeff Mangum joined closed session at 4:25 p.m. The closed session was adjourned at 5:58 p.m., and Board members reconvened in the Morning Creek multipurpose room to begin their regular meeting and relay any reportable action taken during closed session.

REGULAR MEETING

A. PRELIMINARY FUNCTIONS

A-1 Reconvene / Call to Order

The regular meeting of the Board of Education was called to order at 6:06 p.m. by President Andy Patapow.

A-2 Report Out of Closed Session

CLOSED SESSION: CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
Significant exposure to litigation pursuant to Government Code Section 54956.9
(Two cases)

CLOSED SESSION: PUBLIC EMPLOYEE COMPLAINT(S)

CLOSED SESSION: CONFERENCE WITH AND/OR RECEIPT OF ADVICE FROM LEGAL
COUNSEL – PENDING LITIGATION (Subdivision (b)(1) of Section 54956.9)
Case No: TC-09-13

CLOSED SESSION: CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Property: a two-story office building on approximately 4.52 acres located at 15250 Avenue of
Science, San Diego, CA. (APN# 313-381-14)

Agency negotiators: John P. Collins, Deputy Superintendent, PUSD; Warren Diven, Legal Counsel,
Best Best & Krieger; Mike Moser, Senior Vice President, CB Richard Ellis; Jed Stirnkorb, Senior
Vice President, CB Richard Ellis

Negotiating Parties: PUSD and LBA Realty Fund - Holding Co., I, LLC

Under Negotiations: Seeking authorization to accept seller’s offer and finalize purchase agreement

Clerk Ranftle reported that the Board gave direction to the Superintendent and Deputy
Superintendent to continue negotiations to enter into an agreement to purchase property for an
administration center.

There was no other reportable action taken in closed session.

A-3 Salute to Flag

Students Tyler McDonough and Evan Stone led the salute to the flag.

President Patapow called for a moment of silence in memory of Westwood Elementary School teacher Kathleen Quiray.

A-4 Members in Attendance

All Board members were in attendance.

A-5 Welcome to Public

Mr. Gutschow welcomed the public and offered instructions on the procedure for addressing the Board during the Public Comments segment of the meeting.

A-6 Approval of Minutes

It was moved by Mr. Mangum, seconded by Mrs. Vanderveen, that the minutes of the June 22, 2009, Regular Board Meeting and June 29, 2009, Special Board Meeting be approved as presented. ***Motion carried unanimously, 5-0.***

A-7 Approval of Consent Calendar

100 – LEARNING SUPPORT SERVICES

- 104 Approval of Renewal of License Agreement for ENCORE Software
- 105 Approval of Resolution No. 04-2010 entitled “Authorization of a Continuing Contract with the California State Department of Education to Provide Child Development Services”
- 106 Approval of Memorandum of Understanding with Community Development Institute – Head Start of North San Diego County
- 107 Approval of Regional Occupational Program (ROP) Master Contract
- 108 Approval of Agricultural Vocational Education Incentive Grant Application
- 109 Adoption of Middle School Supplemental Textbooks
- 110 Adoption of High School English Language Development (ELD) Support Course
- 111 Adoption of New High School Course
- 112 Approval of Agreement for Nonpublic School/Nonpublic Agency Services
- 113 Acceptance of Gifts

200 – PERSONNEL SUPPORT SERVICES

- 202 Approval of Student Teaching Agreements with San Diego State University, Azusa Pacific University, University of Redlands, and University of the Pacific/Speech Therapy
- 203 Approval of Provisional Internship Permit – Diane McCutcheon
- 204 (a) Approval of Certificated Personnel Report No. 01-2010
(b) Approval of Classified Personnel Report No. 01-2010

300 – BUSINESS SUPPORT SERVICES

- 301 Ratification of Award of Bid No. 1B-2010 Fresh Bread Products to Holsum Bakery, Inc.
- 302 Ratification of Award of Bid No. 4B-2010 Beverages and Snacks to A&R Wholesale Distributors, Inc.
- 303 Ratification of Award of Bid No. 6B-2010 Fresh Fruits and Vegetables to American Produce Distributors
- 304 Ratification of Award of Bid No. 7B-2010 Food Staples and Groceries
- 305 Authorization to Award a Contract for Bid No. 9B-2010 Enhanced Vapor Recovery Phase II Upgrade
- 306 Authorization to Award a Contract for Bid No. 10B-2010 Fencing
- 307 Approval/Ratification of Contractual Services Report No. 01-2010

- 308 Approval of the Williams Settlement Quarterly Report for July 2009
- 309 Approval of District Revolving Cash Fund and Purchase Card Transactions; Ratification of District Purchase Orders
- 310 Approval of Resolution No. 03-2010 entitled “Declaration of Intention to Dedicate an Easement to the City of Poway at Tierra Bonita Elementary School and Twin Peaks Middle School”
- 311 Approval of Resolution No. 02-2010 entitled “Declaration of Intention to Dedicate Landscape Maintenance Easement at Willow Grove Elementary School”
- 312 Authorization to Award Contract for RFP #8-1-09 Storm Water Maintenance to Provide Inspections and Maintenance Service for Storm Drains at Stone Ranch, Monterey Ridge, and Midland Elementary Schools, and Westview and Del Norte High Schools
- 313 Approval of Resolution No. 07-2010 entitled “Declaration of Intention to Dedicate an Easement to Olivenhain Municipal Water District at Del Norte High School”

400 – SCHOOL FACILITIES IMPROVEMENT DISTRICT

- 402 Authorization to Execute Three First Amendments to the Construction Services, Sublease, and Site Lease Agreements for the Modernization of Deer Canyon, Canyon View, and Turtleback Elementary Schools
- 403 Authorization to Execute Three Second Amendments to the Construction Services, Sublease, and Site Lease Agreements for the Modernization of Meadowbrook Middle School
- 404 Authorization to Execute Three Third Amendments to the Construction Services, Sublease, and Site Lease Agreements for the Modernization of Valley Elementary School
- 405 Acceptance of Projects as Complete and Authorization to File Notices of Completion on the Contracts with Echo Pacific Construction, Inc., for Modernization of Pomerado, Sundance, and Sunset Hills Elementary Schools
- 406 Ratification of Award of Agreements to Repair HVAC System at Rolling Hills Elementary School
- 407 Approval to Reduce Retention to 5 Percent; Acceptance of Projects as Complete; and Authorization to File Notices of Completion for Contracts with Echo Pacific Construction, Inc., for Modernization of Turtleback Elementary School, and with Barnhart, Inc., a Heery International Company, for Modernization of Canyon View and Deer Canyon Elementary Schools

500 – COMMUNITY FACILITIES DISTRICT

600 – SUPERINTENDENT’S OFFICE

Revised agenda items E-204(a) and E-204(b) were distributed to the Board and Cabinet prior to the beginning of the meeting. Mr. Gutschow declared his intent to abstain on item E-113 and asked that item E-104 be pulled for discussion. It was moved by Mr. Mangum, seconded by Mr. Gutschow, that, with the exception of items E-104 and E-113, the items on the consent calendar be approved as presented. *Motion carried unanimously, 5-0.* Item E-113 was **approved 4-0, Member Gutschow abstained.**

B. REPORTS / PRESENTATIONS / EARLY AGENDA ITEMS

B-1 Student Board Member Reports

Due to summer recess, no Student Board members were in attendance.

B-2 Superintendent's Briefing

The following updates on current issues and events were presented:

- Dr. Phillips acknowledged the efforts, leadership, and contributions of everyone over the summer in readiness for beginning the school year.
- Deputy Superintendent John Collins gave a brief update on construction at Canyon View, Deer Canyon, Pomerado, Sundance, Sunset Hills, and Turtleback Elementary Schools, and Del Norte High School. Completion of the *Building for Success* program is projected by the end of 2010.
- Dr. Phillips stated they had received direction from the Board of Education to look at a suitable facility for district operations. Finding a central location within the district, competitive price of property, and retaining a working relationship with the City of Poway were factors. Due to the lack of permanent and sufficient office space at the current Twin Peaks location, school campuses and leased office spaces throughout the district are being used, with leases of approximately \$400,000 per year. Funds for the central office facility are a result of mitigation agreements with developers with specific provisions for financing central administration facilities, and these funds cannot be used for school operations, salaries, materials, or supplies. No revenues from voter-approved Propositions U and C will be used.

B-3 Board Member Reports

Board members reported on their activities and events attended in the previous month.

C. PUBLIC COMMENTS

There were no public comments.

D. ACTION ITEMS

D-101 Ratification of Student Discipline

It was moved by Mr. Gutschow, seconded by Mr. Mangum, that, based upon the Board's review of the Findings of Fact and Recommendations submitted by administrative hearing panels, the action on the recommendations presented regarding Case Numbers 2008-2009.58, 2008-2009.60, 2008-2009.67, 2008-2009.68, 2008-2009.72, and 2008-2009.73 be ratified. *Motion carried unanimously, 5-0.*

D-102 Ratification of Stipulated Agreements for Student Expulsion

It was moved by Mrs. Vanderveen, seconded by Mr. Gutschow, that the Board of Education approve and ratify the stipulated agreements for expulsion in Case Numbers 2008-2009.64, 2008-2009.69, 2008-2009.70, and 2008-2009.71. *Motion carried unanimously, 5-0.*

D-103 Readmission of Students on Expulsion

It was moved by Mrs. Ranftle, seconded by Mr. Mangum, that students represented by Case Numbers 2007-2008.31, 2007-2008.33, 2008-2009.04, 2008-2009.07, 2008-2009.12, 2008-2009.17, 2008-2009.19, 2008-2009.22, 2008-2009.26, 2008-2009.27, 2008-2009.29, and 2008-2009.35 be readmitted to the Poway Unified School District. *Motion carried unanimously, 5-0.*

D-201 Approval of Resolution No. 05-2010 entitled "Resolution Regarding the Elimination or Reduction in Hours of the Classified Positions as Contained Within Exhibit 'A'; Corresponding Layoff of Classified Employees"

It was moved by Mr. Gutschow, seconded by Mrs. Vanderveen, that the Board approve Resolution No. 05-2010 as presented. *Motion carried unanimously, 5-0.*

D-401 Approval of Resolution No. 06-2010 entitled "Authorizing an Application for Qualified School Construction Bond Allocation Authorized under the American Recovery and Reinvestment Act"

of 2009, Declaring Intent to Issue District Securities as Qualified School Construction Bonds, and Approving Certain Related Actions”

It was moved by Mrs. Vanderveen, seconded by Mr. Mangum, that Resolution No. 06-2010, with respect to the approval of the Qualified School Construction Bond (QSCB) 2009 Application, be approved and the Application be submitted to the California Department of Education. *Motion carried unanimously, 5-0.*

D-501 Public Hearing and Approval of Resolution No. 01-2010 entitled “Approving a School Facilities Needs Analysis, Adopting Alternative School Facility Fees in Compliance with California Education Code Section 17620 and Government Code Sections 65995.5, 65995.6, 65995.7, and 66000 et seq., and Making Related Findings and Determinations”

President Patapow opened a public hearing at 6:46 p.m. to receive public comment. Hearing none, the public hearing was closed. It was moved by Mr. Mangum, seconded by Mr. Gutschow, that Resolution No. 01-2010 establishing Level 2 Fees of \$3.71 per square foot for non-mitigated new residential construction and Level 3 Fees of \$7.42 per square foot for non-mitigated new residential construction be approved, and that these new fees become effective September 1, 2009. *Motion carried unanimously, 5-0.*

D-601 Approval of 2010 Regular Board Meeting Dates

It was moved by Mrs. Ranftle, seconded by Mrs. Vanderveen, that the recommended schedule of Regular Board Meeting dates for the year 2010 [January 19, February 8, March 8, April 19, May 17, June 21, August 16, September 13, October 11, November 15, December 13] be approved as presented. *Motion carried unanimously, 5-0.*

Agenda item E-104 was pulled from the Consent Calendar for discussion and action.

E-104 Approval of Renewal of License Agreement for ENCORE Software

It was moved by Mr. Gutschow, seconded by Mrs. Vanderveen, that the Board approve two-year contract with Spectrum K-12 School Solutions for ENCORE software (computerized IEP process and special education database). *Motion carried unanimously, 5-0.*

F. FIRST READING ITEMS

F-602 Proposed Revision of Board Policy Section 1.1 – Mission Statement – First Reading

This was presented as a first reading, to be presented for action on September 14, 2009.

G. INFORMATION ITEMS

G-314 Annual Investment Policy Review and Quarterly Disclosure of Local Agency Investments for Poway Unified School District

This report was presented as information only.

G-315 Report on 2008-2009 Attendance Rates

This report was presented as information.

G-316 Enrollment Report No. 11/2008-2009

This report was presented as information only.

G-502 Annual Investment Policy Review and Quarterly Disclosure of Local Agency Investments for Community Facilities District Nos. 1 through 14

This report was presented as information.

H. NEW BUSINESS – BOARD MEMBERS

There was no business discussed under this item.

I. CORRESPONDENCE

There was no correspondence presented.

J. CLOSED SESSION

There were no additional items discussed in Closed Session.

K. ADJOURNMENT

The meeting was adjourned at 7:00 p.m.

Andy Patapow, President

Penny Ranftle, Clerk

Donald Phillips, Secretary

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