

16.08 Approve Minutes of June 4, 2009, Regular Board Meeting

Meeting: 08/20/2009 ESUHSD REGULAR BOARD MEETING - 4:00 P.M.
Category: 16. Consent Calendar Items - ATTACHMENT A
Agenda Type: Action (Consent)
Public Access: Yes

Agenda Item Content



EAST SIDE UNION HIGH SCHOOL DISTRICT

TO: Board of Trustees
FROM: Dan Moser, Acting Superintendent
SUBJECT: Approve Minutes of June 4, 2009, Regular Board Meeting

Attached are the minutes of the June 4, 2009, Regular Board meeting for review and approval by the Board of Trustees.

FISCAL IMPACT: None

FUNDING SOURCE: None

RECOMMENDATION: It is recommended that the Board of Trustees approve the June 4, 2009, Board meeting minutes as presented.

Additional Executive Content

Our adopted rules of Parliamentary Procedure, Robert's Rules, provide for a consent agenda listing several items for approval of the Board by a single motion. Most of the items listed under the consent agenda have gone through Board subcommittee review and recommendation. Documentation concerning these items has been provided to all Board members and the public in advance to assure an extensive and thorough review. Items may be removed from the consent agenda at the request of any board member.

Created on 09/13/2009 at 07:33 PM by Mary Guillen. Last update on 08/18/2009 by Mary Guillen.

East Side Union High School District

Approved

Board of Trustees

August 20, 2009

A handwritten signature in cursive script, appearing to read "Mary Guillen".

**EAST SIDE UNION HIGH SCHOOL DISTRICT
Minutes of the Regular Meeting of the Board of Trustees
Meeting Held at the Education Center
June 4, 2009**

1. CALL TO ORDER/ROLL CALL

The Regular Meeting of the Board of Trustees was called to order at 4:00 p.m. by President Martinez-Roach. Clerk Biehl, Member Nguyen and Member Garcia were present. Vice President Herrera arrived at 4:04 p.m.

CALL TO ORDER

2. CLOSED SESSION

2.01 EXPULSIONS

Student A:

The Board on a vote of 4/0 approved the expulsion of Student A. Vice President Herrera was absent.

Student B:

The Board on a vote of 5/0 approved the expulsion of Student B.

Student C:

The Board on a vote of 5/0 approved the expulsion of Student C.

Student D:

The Board on a vote of 5/0 approved the expulsion of Student D.

Student E:

The Board on a vote of 5/0 approved the expulsion of Student E.

CLOSED SESSION

**2.02 PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/
RELEASE (Government Code Section 54957)**

The Board on a vote of 5/0 approved and ratified the dismissal of employee Alexie Japor.

**2.03 CONFERENCE WITH LABOR NEGOTIATORS
(Government Code Section 54957.6)**

Agency Designated Representatives:

Bob Nuñez, Superintendent

***Jerry Kurr, Associate Superintendent of Administration
and Business Services***

***Dan Moser, Associate Superintendent of Instructional
Services and Human Relations***

Cathy Giammona, Director of Human Resources

***Vida Branner-Siders, Director of Compensation and
Classified Employee Relations***

*Employee Organizations:
American Federation of Teachers (AFT)
California School Employees Association (CSEA)
East Side Teachers Association (ESTA)*

2.04 CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9 of the Government Code:

Six (6) potential cases

2.05 CONFERENCE WITH REAL PROPERTY NEGOTIATORS

*Property: ESUHSD Educational Center,
or portion thereof
830 N. Capitol Avenue
San Jose, CA 95133*

*District Negotiators: Bob Nuñez, Superintendent
Jerry Kurr, Associate Superintendent
Administration and Business Services
Rogelio Ruiz, Legal Counsel*

*Real Estate Representatives:
Sam Swan, Bob Hunt and Andre Hunt*

Negotiating Parties: ESUHSD and Party To Be Determined

2.06 PUBLIC EMPLOYEE PERFORMANCE EVALUATION (Government Code Section 54957)

2.07 PUBLIC EMPLOYMENT/PUBLIC EMPLOYEE APPOINTMENT (Government Code Section 54957)

3. PLEDGE OF ALLEGIANCE

PLEDGE OF ALLEGIANCE

4. WELCOME AND EXPLANATION TO AUDIENCE

President Martinez-Roach extended a welcome to everyone, explained the format of the meeting and noted that all Board Meetings are recorded.

WELCOME AND EXPLANATION

5. CONSIDERATION OF PROPOSED AMENDMENTS TO AGENDA

CONSIDERATION OF AMENDMENTS

Superintendent Nuñez requested the following amendments to the agenda:

- Carry item 10.01*
- Carry item 10.04*
- Carry item 17.01*

Board Member Nguyen requested that item 10.02 be heard first on the agenda.

Motion to carry items 10.01, 10.04, 17.01 and hear item 10.02 first on the agenda made by Vice President Herrera, second by Clerk Biehl.

Vote: 5/0

6. BOARD SPECIAL RECOGNITION(S)

None

SPECIAL RECOGNITION(S)

7. STUDENT BOARD LIAISONS

None

**STUDENT BOARD
LIAISONS**

8. PUBLIC MEMBERS WHO WISH TO ADDRESS THE BOARD OF TRUSTEES

- *Yuritzi Maldonado – Teacher Layoffs*
- *Kathy Lair – Teacher Layoffs*
- *Glenda Pino – Teacher Layoffs*
- *Krystal Chase – ROTC*
- *Ezequiel Araujo – OG Administration*
- *Marisa Hanson – Teacher Layoffs*

ORAL COMMUNICATIONS

**9. INSTRUCTIONAL SERVICES – OPERATIONAL ITEMS/
BOARD DISCUSSION AND/OR ACTION**

**INSTRUCTIONAL SVCS -
OPERATIONAL ITEMS/
BOARD DISCUSSION
AND/OR ACTION**

9.01 Foothill High School Presentation – Dan Moser, Associate Superintendent of Instruction and Human Relations and Lynne Murray, Principal, Foothill High School

Presentation made by Principal Lynne Murray.

9.02 Independence High School Presentation – Dan Moser, Associate Superintendent of Instruction and Human Relations and Grettel Castro-Stanley, Principal, Independence High School

Presentation made by Principal Grettel Castro-Stanley and Independence High School staff.

9.03 Update on Summer School 2009 – Dan Moser Associate Superintendent of Instruction and Human Relations

Presentation by Associate Superintendent Dan Moser.

9.04 Petition for Proposed Downtown College Prep – Alum Rock Charter School – Dan Moser Associate Superintendent of Instruction and Human Relations

Public Speakers:

- Julio Pardo
- Jennifer Andaluz

Motion:

To deny the charter petition for Downtown College Prep, Alum Rock Charter School, based on findings 1-5 and the Board adopt paragraph/item 8 of the charter school petition, which indicates that the petition fails to comply with California State Education Code 47605(a)(6), which requires that a district cannot approve a charter to serve pupils in a grade level that is not served by the district, unless the district proposes to serve pupils in all of the grade levels served by this district; since east Side Union HSD is a high school district, Downtown College Prep does not propose to serve high school students for a number of years, therefore, the petition fails on that basis.

Motion made by Member Garcia, second by Vice President Herrera.

Vote: 4/0; Member Nguyen absent

**10. SUPERINTENDENT – OPERATIONAL ITEMS/
BOARD DISCUSSION AND/OR ACTION**

**SUPERINTENENT -
OPERATIONAL ITEMS/
BOARD DISCUSSION
AND/OR ACTION**

- 10.01 Hold Public Hearing at Approximately 7:00 p.m. Regarding the Consideration of an Energy Conservation Project – Jerry Kurr, Associate Superintendent of Administration and Business Services, Alan Garofalo, Associate Superintendent of Student Services and Facilities and Rogelio Ruiz, Legal Counsel**

Item carried

- 10.02 Approve to Proceed with Solar and Energy Efficiency Project and Accept the California Solar Initiative Reservation Letter/Program Contract for Energy Incentives to Install Solar Projects – Jerry Kurr, Associate Superintendent of Administration and Business Services, Alan Garofalo, Associate Superintendent of Student Services and Facilities and Rogelio Ruiz, Legal Counsel**

Speakers:

- Alex Poni
- Neil Struthers
- Josue Garcia
- Robert Trayni

- Joe Corona
- Gerardo Esparza

Motion to authorize administration to begin negotiations on a solar services agreement, contingent that a report is brought back to the Board on June 18, including consideration for approval by the Board on the negotiated agreement and the cost of the project, made by Member Nguyen, second by Clerk Biehl.

Vote: 5/0;

President Martinez-Roach voting Yes, conceptually.

- 10.03 Presentation on 21st Century Collaborative and Educational High Speed Network – Alan Garofalo, Associate Superintendent of Student Services, Dan Moser, Associate Superintendent of Instruction and Human Relations, Jerry Kurr, Associate Superintendent of Administration and Business Services and Maz Zabaneh, Cisco Public Sector Account Manager**

Presentation made by Director Dennis Barbata.

Motion to approve administration to move forward with an RFP to prepare estimates of costs on the 21st century collaborative and educational high speed network and that administration bring back to the Board for approval for use of Measure E funds to move forward and then bring back specific contracts to the Board for approval made by Vice President Herrera, second by Clerk Biehl.

Vote: 4/0; Member Nguyen absent

- 10.04 Foundation Update – Eddie Garcia, Board Member and Cindy Chavez, California Leadership Services, LLP**

Item carried

- 10.05 Adopt Resolution #2008/2009-36 Senate Constitutional Amendment 6 (Simitian) – Frank Biehl, Board Clerk**

Motion to adopt Resolution #2008/2009-36 Senate Constitutional Amendment 6 (Simitian) by Member Garcia, second by Clerk Biehl.

Vote: 4/0; Member Nguyen absent

- 10.06 District Asset Evaluation, Utilization and Disposition Plan; District Office Property – Patricia Martinez-Roach, Board President**

Discussion item only; no action taken.

**11. STUDENT SERVICES – OPERATIONAL ITEMS/
BOARD DISCUSSION AND/OR ACTION**

- 11.01 ESTA Safety Survey Results – Alan Garofalo, Associate Superintendent of Student Services and Facilities and Marisa Hanson, ESTA President**

Presentation by ESTA President Marisa Hanson

- 11.02 Adopt Santa Clara County Office of Education/East Side Union High School District's Expelled Plan for Youth – Alan Garofalo, Associate Superintendent of Student Services and Facilities**

Motion to adopt the Santa Clara County Office of Education/East Side Union High School District's plan for youth made by Clerk Biehl, second by Vice President Herrera.

Vote: 4/0; Member Nguyen absent

**STUDENT SERVICES -
OPERATIONAL ITEMS/
BOARD DISCUSSION
AND/OR ACTION**

**12. HUMAN RESOURCES – OPERATIONAL ITEMS/
BOARD DISCUSSION AND/OR ACTION**

None

**HUMAN RESOURCES -
OPERATIONAL ITEMS/
BOARD DISCUSSION
AND/OR ACTION**

**13. BUSINESS SERVICES – OPERATIONAL ITEMS/
BOARD DISCUSSION AND/OR ACTION**

- 13.01 Budget Update - Jerry Kurr, Associate Superintendent of Administration and Business Services**

Budget update/presentation by Associate Superintendent Jerry Kurr.

**BUSINESS SERVICES -
OPERATIONAL ITEMS/
BOARD DISCUSSION
AND/OR ACTION**

**14. FACILITIES – OPERATIONAL ITEMS/
BOARD DISCUSSION AND/OR ACTION**

None

**FACILITIES -
OPERATIONAL ITEMS/
BOARD DISCUSSION
AND/OR ACTION**

**15. ADULT EDUCATION – OPERATIONAL ITEMS/
BOARD DISCUSSION AND/OR ACTION**

None

**ADULT EDUCATION -
OPERATIONAL ITEMS/
BOARD DISCUSSION
AND/OR ACTION**

16. ATTACHMENT A – CONSENT CALENDAR ITEMS

ATTACHMENT A

Motion to approve the entire consent calendar made by Member Garcia, second by Vice President Herrera.
Vote: 4/0; Member Nguyen absent

- 16.01 *Approve School Field Trips*
- 16.02 *Approve CAHSEE Local Waivers for Special Education Students*
- 16.03 *Approve Change Order #1 for W. C. Overfelt High School Science Building Audio/Visual System and Security Camera Project (Cupertino Electric, Inc.)*
- 16.04 *Approve Notice of Completion for Independence High School, Vocational Ed Modernization Project (Beals Martin, Inc.)*
- 16.05 *Approve Notice of Completion for W. C. Overfelt High School Phase IV New Science Building Increment II Project (American Steel & Stairways, Inc.)*
- 16.06 *Approve Notice of Completion for W. C. Overfelt High School Phase IV New Science Building Increment II Project (BCI Builders, Inc.)*
- 16.07 *Approve Notice of Completion for W. C. Overfelt High School Phase IV New Science Building Increment II Project (Dolan Concrete Construction)*
- 16.08 *Approve Notice of Completion for W. C. Overfelt High School Phase IV New Science Building Increment II Project (George E. Masker Inc.)*
- 16.09 *Approve Notice of Completion for W. C. Overfelt High School Phase IV New Science Building Increment II Project (Jensen Corporation Landscape Contractors)*
- 16.10 *Approve Notice of Completion for W.C. Overfelt High School Phase IV New Science Building Increment II Project (Ray L. Hellwig Mechanical Company)*
- 16.11 *Approve Notice of Completion for W.C. Overfelt High School Phase IV New Science Building Increment II Project (Reinhardt Roofing Inc.)*
- 16.12 *Approve Notice of Completion for W.C. Overfelt High School Phase IV New Science Building Increment II Project (Sasco Electric)*
- 16.13 *Approve Notice of Completion for W.C. Overfelt High School Science Building Audio/Visual System and Security Camera Project (Cupertino Electric, Inc.)*

17. WRITTEN REPORTS/RECOMMENDATIONS

WRITTEN REPORTS

17.01 Facilities/Construction Update

Item carried

18. **BOARD OF TRUSTEES/SUPERINTENDENT
COMMUNICATIONS/COMMENTS**
18.01 Board of Trustees

**BOARD/SUPERINTENDENT
COMMENTS**

▪ **Frank Biehl, Member**

MetroED – MetroED is dealing with the same difficulties that we are, but otherwise just operating just fine.

They had a great ceremony the other night that I went to and they did a very good job. I did take a group of ten students on the Cortese bus trip to Sacramento. The students outshined everyone. They did a fabulous job and I thank the Principals that were able to help us participate.

• **Patricia Martinez- Roach, President**

I want to wish everyone a happy summer in case I don't see you. Thank you for everything that you do for us. I know that it has been a very difficult year. I'm afraid it's not over; the situation might get difficult financially, but we will pull through.

I did want to mention that I received an e-mail from Paul Engle from the Raiders. It looks like June 9th is the date that the link will be available for the public to purchase tickets. The delay was the coordination with Ticketmaster because we will be receiving \$21 dollars for each ticket purchased.

18.02 Superintendent

Bob Nuñez, Superintendent

The District will be holding their annual retirement event on June 15 at 5:30 p.m. in the District Office Board Room.

19. **REPORT CLOSED SESSION ACTION(S)**

**REPORT CLOSED
SESSION ACTION(S)**

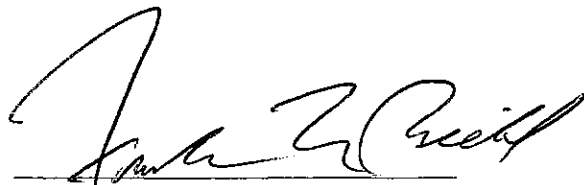
See section 2.0

20. **ADJOURNMENT**

ADJOURNMENT

The meeting was adjourned at 9:53 p.m.

Respectfully submitted,


Board Clerk

East Side Union High School District

Approved

Board of Trustees

August 20, 2009

