

**Fountain Valley School District**  
Superintendent's Office

**REGULAR MEETING OF THE BOARD OF TRUSTEES**

10055 Slater Avenue  
Fountain Valley, CA 92708

**May 16, 2019**

**MINUTES**

President Collins called the regular meeting of the Board of Trustees to order at 5:38pm.

CALL TO ORDER

The following board members were present:

ROLL CALL

Ian Collins	President
Jeanne Galindo	President Pro Tem
Sandra Crandall	Clerk
Lisa Schultz	Member
Jim Cunneen	Member

**Motion:** Mrs. Schultz moved to approve the meeting agenda.

AGENDA APPROVAL

Second: Mr. Cunneen

Vote: 5-0

There were no requests to address the Board prior to closed session.

PUBLIC COMMENTS

Mr. Collins announced that the Board would retire into Closed Session. Action was not anticipated. The following was addressed:

CLOSED SESSION

- Personnel Matters: *Government Code 54957 and 54957.1*  
Appointment/Assignment/Promotion of employees; employee discipline/dismissal/release; evaluation of employee performance; complaints/charges against an employee; other personnel matters.
- Pupil Personnel: *Education Code 35146*  
Student expulsion(s) or disciplinary matters for violation of Board Policy 5144.1.
- Negotiations: *Government Code 54957.6*

Update and review of negotiations with the FVEA and CSEA Bargaining Units with the Board’s designated representative, Cathie Abdel.

- Conference with Real Property Negotiator *Government Code Section 54956.8*

Property: Approximately 12.9 acres of District land improved with approximately 40,073 sq. ft. of facilities located at 9790 Finch Avenue, Fountain Valley, California (former Fred Moiola School Site) (“Property”).

Negotiating Parties: Fountain Valley School District, real property negotiators Christine Fullerton, Assistant Superintendent, Business Services, and District legal counsel (Lessor), and an unidentified number of potential buyers or lessees for the Property which may acquire or lease all or a portion of the Property through statutory rights or public bid processes (Proposed Buyer(s)/Lessee(s)).

Under Negotiation: Instruction to negotiators will concern price and terms of payment issues associated with possible sale or lease of all or a portion of the identified Property.

- Public Employee Performance Evaluation: *Government Code Section 54957 & 54957.1*

The Board will meet in closed session to discuss the annual performance evaluation of the superintendent.

Prior to the Board entering into Closed Session, Mr. Cunneen made the following statement:

“President Collins, I would like to state for the record that I have an attenuated potential conflict of interest regarding the Fred Moiola Property discussion and Agenda Item. Specifically, I am

employed by the engineering firm Group Delta Consultants, which has done past business and is currently doing business with one potential finalist for the Property. Therefore, in an abundance of caution and to avoid any appearance of impropriety or conflict, I have and will continue to abstain from any participation in the decision regarding the disposition of the Property, including, but not limited to, participation in any motions, discussions, or voting related to the selection of any proposal for the Property. Additionally, I am recusing myself and removing myself from the room during any and all closed session discussions related to this Property, as well as from the Boardroom during open session — both during board presentations, and for agendaized board action — and I will return when these items have concluded. Thank you.”

The public portion of the meeting resumed at 6:30pm.

**PLEDGE OF ALLEGIANCE**

Mr. Collins made the following Closed Session announcement: “The Board met with its real property negotiators in Closed Session and took no action; however, the Board was provided with a Purchase Agreement which is being made available at this earliest opportunity and will be addressed later in Open Session.”

Cub Scout Pak 455 led the Pledge of Allegiance.

**SPECIAL PRESENTATIONS**

Each year, the Board of Trustees honors those volunteers who have made an outstanding contribution to education in the Fountain Valley School District. The Outstanding Service Award is based on service and leadership given beyond the local school and includes participation on district committees, councils, task forces, as well as local school service. Board President Ian Collins presented the 2018-19 Outstanding Service Award to Susan Castellanos. Mrs. Castellanos was joined by her family and our community in thanking her for her commitment to our District.

**OUTSTANDING SERVICE AWARDS PRESENTATION TO SUSAN CASTELLANOS**

It is an interest of the Board of Trustees to recognize outstanding parent volunteers who give generously of their time and talents to our schools. From Newland School, the Board recognized and thanked Kenan and Brian House. The Board was joined by staff, students, family and community members in celebrating these parents for all that they do for Newland School.

**RECOGNITION OF NEWLAND SCHOOL PARENT VOLUNTEERS**

It is an interest of the Board of Trustees to recognize outstanding parent volunteers who give generously of their time and talents to our schools. From Plavan School, the Board recognized and thanked Lou-An Garcia and Vanessa Batten. The Board was joined by staff, students, family and community members in celebrating these parents for all that they do for Plavan School.

**RECOGNITION OF  
PLAVAN SCHOOL  
PARENT  
VOLUNTEERS**

It is an interest of the Board of Trustees to recognize students who display high achievement, improvement or extraordinary effort. The Board recognized seven outstanding students from Newland School. From Newland School, the Board honored Riley Swanson (TK), Tye Tipton (K), Cameron Hadley (1<sup>st</sup>), Zoey Dela Cruz (2<sup>nd</sup>), Sydney Jensen (3<sup>rd</sup>), Ford Leonard (4<sup>th</sup>) and Nathan Chiavetta (5<sup>th</sup>).

**RECOGNITION OF  
NEWLAND SCHOOL  
STUDENTS**

It is an interest of the Board of Trustees to recognize students who display high achievement, improvement or extraordinary effort. The Board recognized seven outstanding students from Plavan School. From Plavan School, the Board honored Gael Ramirez Sanchez (TK), Safina Kher (K), Kamryn Perona (1<sup>st</sup>), Reyna Nguyen (2<sup>nd</sup>), Mackenzie Leroux (3<sup>rd</sup>), Macey Tuiolosega (4<sup>th</sup>) and Jeremiah Potasi (5<sup>th</sup>).

**RECOGNITION OF  
PLAVAN SCHOOL  
STUDENTS**

Following this, the Board took a brief recess.

**RECESS**

**STAFF REPORTS AND PRESENTATIONS**

Prior to the presentation, Mr. Cunneen made the following statement:

“President Collins, I would like to state for the record that I have an attenuated potential conflict of interest regarding the Fred Moiola Property discussion and Agenda Item. Specifically, I am employed by the engineering firm Group Delta Consultants, which has done past business and is currently doing business with one potential finalist for the Property. Therefore, in an abundance of caution and to avoid any appearance of impropriety or conflict, I have and will continue to abstain from any participation in the decision regarding the disposition of the Property, including, but not limited to, participation in any motions, discussions, or voting related to the selection of any proposal for the Property. Additionally, I am recusing myself and removing myself from the room during any and all closed session discussions related to this Property, as well as from the Boardroom during open session — both during board presentations, and for agendaized board action — and I will return when these items have concluded. Thank you.”

**SELECTION OF  
PROPOSAL FOR  
FORMER FRED  
MOIOLA SCHOOL  
SITE**

Mr. Cunneen stepped out of the meeting at 8:05pm.

In response to the RFP, the District received several proposals to purchase the Property pursuant to a purchase and sale agreement, and fewer to either lease the Property pursuant to a short lease of the Property in its current state, or lease the Property pursuant to a long term ground lease of the Property in a manner which allows for its development. At its regularly scheduled Board Meeting on March 28<sup>th</sup>, a presentation summarizing the mostly finalized RFP process and proposals received, and recommend next steps in the process was provided to the Board of Trustees. In addition, on April 25<sup>th</sup> a presentation and update was provided to the Board. This evening's presentation is intended to provide further information and a final update to the Board of Trustees as they select the most beneficial proposal, including a discussion of a proposed Purchase and Sale Agreement for the property. Mr. Chialtas began the presentation by providing a history of the Moiola Site and a summary of the RFP process to date. Following this, he provided a review of the summary of proposals received and next steps as of the April 25<sup>th</sup> regular Board meeting. Regarding the purchase proposals, Mr. Chialtas also reviewed main factors to consider. Following this, Mr. Chialtas reviewed Brookfield Homes Southern California, LCC's proposal, the most beneficial proposal and the reasons why it is the most beneficial including price, proposed development, due diligence period, deposit structure, closing timeframe, and sale proceeds available in lump sum. In addition, he highlighted the use of sale proceeds, noting that proceeds must be used for capital outlay expenses, maintenance which will not re-occur within a five year period. In closing, Mr. Chialtas reviewed next steps for the District including identifying and approving the proposal/proposer which offered the most beneficial proposal; identifying and approving the terms (and stating in the Board Meeting minutes) which make such proposal the most beneficial proposal; and approving an agreement for Purchase and Sale Agreement and Joint Escrow Instructions between the District and the most beneficial proposer.

Mr. Cunneen returned to the meeting at 8:29pm.

### **BOARD REPORTS AND COMMUNICATIONS**

Mrs. Schultz thanked all of those involved in putting together two beloved events for our community, the Monster Concert and Art Show. In addition, she commended and thanked all of the staff at Masuda and Courreges for their patience during construction. Lastly, she thanked this evenings' parents and student honorees for the reminder to be kind.

Mrs. Galindo’s activities since the last meeting included: FVSF meeting, noting the approval of the slate of officers, including incoming President Tom Antal. She noted as well the success of the Taste of Fountain Valley and thanked Melissa Watanabe for her efforts. Lastly, she also shared the work of Joy Moyers on the upcoming Summer Enrichment Academy. In closing, she thanked Mrs. Susan Saurastri for her donation to the Foundation with the sale of every home.

Mr. Cunneen’s activities since the last meeting included: OCSBA Annual Dinner meeting, noting the newly elected officers for the coming year, and City of Fountain Valley General Plan Advisory Committee meeting.

Mrs. Crandall congratulated our three middle school music teachers, Mr. Adamiak, Mr. Covacavich and Mr. LaMantia, and Mrs. Wondercheck from the Arts and Learning Conservatory, on the highly successful Monster Concert. Her activities since the last meeting included: tour of Masuda, Talbert PAL recognition, FVSD District Office Classified Employee of the Year recognition honoring Vania Arjian, Safe Schools Task Force meeting focused on physical environments, SPC meeting, Chamber of Commerce luncheon, and FV Mayor’s Breakfast.

Mr. Collins’ activities included: FVSF meeting, Safe Schools Task Force meeting, and SPC meeting. He thanked his fellow trustees for their service this month.

**PUBLIC COMMENTS**

There were thirteen requests to address the Board of Trustees. Thirteen people addressed the Board regarding certificated negotiations.

**PUBLIC COMMENTS**

Mrs. Schultz stepped out of the meeting at 9:25pm. She returned at 9:28pm.

**LEGISLATIVE SESSION**

Motion: Mrs. Galindo moved to approve the Declaration of Need.

**DECLARATION OF NEED**

Second: Mr. Cunneen

Vote: 5-0

Mr. Cunneen stepped out of the meeting at 9:41pm.

**Motion:** Mr. Collins moved to identify and approve Brookfield Homes Southern California, LLC’s \$36.5 Mil proposal as the most beneficial proposal, note for the record and board meeting minutes that terms set forth on slides 12 and 13 of tonight’s PowerPoint presentation are the terms which make this proposal the most beneficial, and approve the proposed Purchase Agreement presented at tonight’s meeting between the District and Brookfield Homes

**Second:** Mrs. Galindo

**Vote:** 4-0  
Absent: Cunneen

**ACTION TO IDENTIFY AND APPROVE THE MOST BENEFICIAL PROPOSAL/ PROPOSERS, AND SPECIFIC PROPOSAL TERMS, AND APPROVAL OF AGREEMENT FOR PURCHASE AND SALE AND JOINT ESCROW INSTRUCTIONS WITH THE SELECTED PROPOSER IN FURTHERANCE OF THE DISTRICT’S REQUEST FOR PROPOSAL PROCESS CONSENT CALENDAR**

Mr. Cunneen returned to the meeting at 9:46pm.

**Motion:** Mrs. Crandall moved to approve the Consent Calendar.

**Second:** Mrs. Schultz

**Vote:** 5-0

The Consent Calendar included:

- Board Meeting Minutes from April 22<sup>nd</sup> Special Meeting
- Board Meeting Minutes from April 25<sup>th</sup> Regular Meeting
- Personnel Items (Employment Functions, Workshops/Conferences, And Consultants)
- Donations
- Warrants
- Purchase Order Listing
- Budget Transfers and Adjustments
- Approve the Use of a Piggyback Contract with Class Leasing for the Lease And Relocation of Relocatable Classrooms for Interim Housing Associated with the Measure O HVAC and Modernization Project

- Royer Studios Animation Programs
- Maxim Healthcare Services
- Caresolace
- Approval of Proposal Between the Orange County Department of Education Educational Services Division and Fountain Valley School District to Provide History/Social Science Framework Training for our Middle School History Teachers
- Approve Change Order #2 for the Courreges Elementary School Measure O HVAC and Modernization Project
- Approve Change Order #1 for the Masuda Middle School Measure O HVAC and Modernization Project
- Non-Public Agency Contracts

Non-Public School/Agency	100% Contract Cost	Effective Dates
Olive Crest Academy	\$9,633.20	4/29/19-6/30/19

**SUPERINTENDENT’S COMMENTS/NEW ITEMS OF BUSINESS**

Dr. Johnson            Commended our teachers for speaking about our students from Plavan and Newland this evening and throughout the year. You all did a fabulous job. In addition, he commended Mrs. Fullerton and her team for all of the work that they have done on the Moiola project.

**CLOSED SESSION**

Mr. Collins announced that the Board would retire into a second Closed Session. Action was not anticipated. The following was addressed:

**CLOSED SESSION**

- Personnel Matters: *Government Code 54957 and 54957.1*  
Appointment/Assignment/Promotion of employees; employee discipline/dismissal/release; evaluation of employee performance; complaints/charges against an employee; other personnel matters.
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Under Negotiation: Instruction to negotiators will concern price and terms of payment issues associated with possible sale or lease of all or a portion of the identified Property.

- Public Employee Performance Evaluation: *Government Code Section 54957 & 54957.1*  
The Board will meet in closed session to discuss the annual performance evaluation of the superintendent.

Mr. Collins made the following Closed Session announcement:

Closed session announcement

“We met in Closed Session. We gave direction to our real property negotiators per Government Code 54956.8.”

**ADJOURNMENT**

**Motion:** Mrs. Crandall moved to adjourn the meeting at 9:56PM.

Second: Mrs. Galindo

Vote: 5-0

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