

**Tuesday, February 11, 2020
Regular Board Meeting - 8:00 p.m.**

MINUTES

Franklin-McKinley School District Board of Trustees Meetings' proceedings are audio recorded. Audio recordings of the meetings are posted on the District's website (www.fmsd.org), under Our District - Board of Education – Current Agendas and Minutes.

**Franklin-McKinley School District
645 Wool Creek Drive
San Jose, CA 95112**

District Service Center - Board Room

Individuals requiring special accommodations (American Sign Language Interpreter, Special Seating Accommodations) or are in need of Spanish and Vietnamese translations at Regular Session Board Meetings, should call the Superintendent's Office at 408-283-6006 at least three (3) days in advance.

PUBLIC COMMENTS OF PERSONS DESIRING TO ADDRESS THE BOARD:
Members of the public may address the Board on any issue within the subject matter jurisdiction of the Board or agenda items. Members of the public may also address the Board on Consent items before the Board's consideration of the items. In accordance with Board Bylaw 9323, individual remarks will be limited to three (3) minutes each, unless otherwise stipulated. Board members receive official agendas and backup materials on the Friday prior to the Board meeting for review. The Board's review may include questions of staff for clarification prior to the meeting. In accordance with Gov. Code 54957.5, the Board packet is available for public review in the Superintendent's Office on the Friday prior to the scheduled Board Meeting.

1. CALL TO ORDER - 5:30 P.M.

1.01	Roll Call	George Sanchez, President - Present Maimona Afzal Berta, Vice President - Absent Thanh Tran, Clerk - Present Kerry Rosado, Member - Present Rudy Rodriguez, Member - Present
------	-----------	--

1.02 Public Information

2. CLOSED SESSION

- 2.01 Public Employee Discipline/Dismissal/Release (Pursuant to Government Code Section 54947)
- 2.02 Personnel Addendum
- 2.03 Negotiations

3. Parent Meeting - 6:30 p.m.

- 3.01 McKinley School, 651 Macredes Ave., San Jose, CA 95116

4. GENERAL MATTERS - DISTRICT SERVICE CENTER - 8:00 P.M.

- 4.01 Flag Salute - McKinley School

President Sanchez introduced Franklin School to present the flags. The students were presented with certificates.

- 4.02 Approve/Disapprove Additions to Agenda

There were no additions to the agenda.

- 4.03 Approve/Disapprove Order of Agenda

President Sanchez pulled item 9.05, 2019-2020 Contract with WestEd. for Multi-Tier Systems Support (MTSS) in Franklin-McKinley School District, and moved it to Action 11.07.

- 4.04 Report of Action Taken in Closed Session

Superintendent Cruz reported that the Closed Session minutes from January 28, 2020, were approved by the following 3-0-1 vote: President Sanchez – Aye, Vice President Afzal Berta – Absent, Clerk – Tran - Aye, Member Rosado – Abstain, and Member Rodriguez – Aye.

5. PUBLIC HEARING

- 5.01 Public Hearing Discussing the Merits of Entering into an Energy Service Contract Under Sections 4217.10 to 4217.18 of the Government Code that

will Allow the District to Acquire and Install EV Charging Stations in the FMSD Transportation Yard and Power our Electric Bus Fleet

President Sanchez opened the public hearing at 8:07 p.m.

Assistant Superintendent Jason Vann introduced, Public Hearing Discussing the Merits of Entering into an Energy Service Contract Under Sections 4217.10 to 4217.18 of the Government Code that will Allow the District to Acquire and Install EV Charging Stations in the FMSD Transportation Yard and Power our Electric Bus Fleet.

Transportation Supervisor Joni Policy and Purchasing Supervisor Lou Anne Castillo presented the Board with an Electric School Bus Benefits and Cost Analysis presentation. They discussed grant funding, incentives, vendors, rebates and estimated benefits/savings.

President Sanchez closed the public hearing at 8:26 p.m.

6. ORAL COMMUNICATIONS - Members of the public may address the Board on any issue within the subject matter jurisdiction of the Board or agenda items. Members of the public may also address the Board on Consent items before the Board's consideration of the items. In accordance with Board Bylaw 9323, individual remarks will be limited to three (3) minutes each, unless otherwise stipulated. No action can be taken on any agenda items at this time. Questions may be referred to the administration or put on a future agenda.

6.01 Oral Communications

Scott Shulimson, FMEA President, invited the Board to the FMEA happy hour, the Spelling BEE (date to be determined), and the basketball tournament scheduled for April 4 at Yerba Buena High School. He then spoke regarding the substitute shortage of teachers. He stated that upper grades, including 6th grade are affected more since the substitute teachers are taking jobs in the lower grades rather than the upper grade classes.

7. INFORMATION, DISCUSSION AND/OR ACTION ITEMS

7.01 2020 Supplemental Early Retirement Program (SERP)

Assistant Superintendent Jason Vann discussed the 2020 Supplemental Early Retirement Program (SERP). He reviewed the:

- Eligibility requirements,
- Number of completed applications,
- Estimated cost savings for the next 5 years.

He went on to say that the final analysis reflects a loss for Classified Non-management of just under \$82,000 and as result, it would be prudent for the District to not move forward with the Classified Non-management SERP offering at this time.

Clerk Tran moved to approve the 2020 Supplemental Early Retirement Program (SERP), and was seconded by Member Rosado. The motion passed by the following 4-0 Board vote: President Sanchez – Aye, Vice President Afzal Berta – Absent, Clerk Tran – Aye, Member Rosado – Aye, and Member Rodriguez – Aye.

8. CONSENT ITEMS (Under \$25,000) - Members of the public may address the Board on Consent items before the Board's consideration of the items. In accordance with Board Bylaws 9323, individual remarks will be limited to three (3) minutes each, unless otherwise stipulated.

Member Rodriguez moved to approve CONSENT ITEMS (Under \$25,000), 8.01 through 8.03 and was seconded by Clerk Tran. The motion passed by the following 4-0 Board vote: President Sanchez – Aye, Vice President Afzal Berta – Absent, Clerk Tran – Aye, Member Rosado – Aye, and Member Rodriguez – Aye.

- 8.01 2019-2020 Ratification Contract with Nickell Fire Protection, Inc., to Provide Fire Extinguisher Testing and Inspection District-Wide
- 8.02 Out of State Travel for Bridges Academy Staff to attend 2020 New Tech Annual Conference in Dallas, Texas
- 8.03 2019-20 Memorandum of Understanding with Theatre Works Silicon Valley for McKinley Elementary School

9. CONSENT ITEMS (Over \$25,000) - Members of the public may address the Board on Consent items before the Board's consideration of the items. In accordance with Board Bylaws 9323, individual remarks will be limited to three (3) minutes each, unless otherwise stipulated.

Clerk Tran moved to approve CONSENT ITEMS (Over \$25,000), 9.01 through 9.04 and 9.06 and was seconded by Member Rosado. The motion passed by the following 4-0 Board vote: President Sanchez – Aye, Vice President Afzal Berta – Absent, Clerk Tran – Aye, Member Rosado – Aye, and Member Rodriguez – Aye.

- 9.01 Ratification of the 2019-2020 Contract with Statcomm to provide Fire Extinguisher Services, NFPA 72 Fire Alarm Service, NFPA 25 Fire Sprinkler Service and Fire Suppression System Service for the Franklin-McKinley School District, District-Wide
- 9.02 Approval of a 5-Year Lease Agreement (2019-2024) for Two (2) 2020 Ford Transit-350 Vehicles with Enterprise Fleet Management to be Used by Maintenance and Information Technology Departments
- 9.03 Ratification of 2019-2020 Contract with Advanced IPM to add Birds and Geese Management to Original Pest Management Contract for Lairon Elementary, Stonegate Elementary and Sylvandale Middle Schools
- 9.04 Ratification of 2019-2020 Contract Amendment with West Coast Arborists, Inc., for Additional Arbor Services at Sylvandale Middle School for the 2019-2020 School Year
- 9.05 2019-2020 Contract with WestEd. for Multi-Tier Systems Support (MTSS) in Franklin-McKinley School District

President Sanchez pulled Consent item 9.05 and moved it to Action item 11.07.

- 9.06 Ratification of 2019-2020 Contract Agreement with Jahn Plumbing, Inc., for Emergency and As Needed Maintenance Repair Services Districtwide

10. CONSENT CONSTRUCTION ITEMS - Members of the public may address the Board on Consent items before the Board's consideration of the items. In accordance with Board Bylaws 9323, individual remarks will be limited to three (3) minutes each, unless otherwise stipulated.

Member Rosado moved to approve CONSENT CONSTRUCTION ITEMS, 10.01 through 10.04 and was seconded by Member Rodriguez. The motion passed by the following 4-0 Board vote: President Sanchez – Aye, Vice President Afzal Berta – Absent, Clerk Tran – Aye, Member Rosado – Aye, and Member Rodriguez – Aye.

- 10.01 2019-2020 Contract for Electric Vehicle Service Equipment (EVSE) Installation by Jahn Plumbing, Inc. and the Purchase of Electric Vehicle Service Equipment (EVSE) and a 5-year Service Agreement from Nuvve Corporation, Inc.

- 10.02 Adoption of Resolution No. 2020-01 to Authorize Franklin-McKinley School District to purchase and install EV charging stations from Nuvve Corporation and Jahn Plumbing, Inc pursuant to California Government Code Section 4217
- 10.03 Update on Replacement of Water Damaged Windows at Sylvandale Middle School
- 10.04 2020-2025 Five Year Contract Agreement with The Labor Compliance Managers

11. ACTION ITEMS

11.01 Personnel Report

Clerk Tran moved to approve the Personnel Report and was seconded by Member Rodriguez. The motion passed unanimously by the following 4-0 Board vote: President Sanchez – Aye, Vice President Afzal Berta – Absent, Clerk Tran – Aye, Member Rosado – Aye, and Member Rodriguez – Aye.

11.02 January 28, 2020 Board Meeting Minutes

Member Rodriguez moved to approve the, January 28, 2020, Board meeting Minutes as submitted and was seconded by Clerk Tran. The motion passed unanimously by the following 4-0 Board vote: President Sanchez – Aye, Vice President Afzal Berta – Absent, Clerk Tran – Aye, Member Rosado – Aye, and Member Rodriguez – Aye.

11.03 Disclosure of Collective Bargaining Agreement with Classified School Employees' Association

Assistant Superintendent Jason Vann introduced item 11.03, Disclosure of Collective Bargaining Agreement with Classified School Employees' Association. He informed the Board that Classified School Employees' Association (CSEA), have a 3-year contract effective July 1, 2018 through June 30, 2021. The contract stipulates a formula to be calculated annually to determine the salary increase for the current fiscal year. Until the new contract is settled the District and CSEA have agreed to use the same formula for calculating a raise for the fiscal year 2019-20 only. If approved, the cost of this raise will be retroactive to July 1, 2019. The "retro" portion of the increase will be included in the March 2020 payroll close. The financial impact to the District is \$403,059.

Member Rodriguez moved to approve the Disclosure of Collective Bargaining Agreement with Classified School Employees' Association and was seconded by Clerk Tran. The motion passed unanimously by the following 4-0 Board vote: President Sanchez – Aye, Vice President Afzal Berta – Absent, Clerk Tran – Aye, Member Rosado – Aye, and Member Rodriguez – Aye.

11.04 2019-2020 CSEA Salary Increase

Both FMSD and CSEA agreed that CSEA bargaining unit members shall receive a 2.38% increase in the salary schedule for the fiscal year 2019-2020, retroactive to July 1, 2019, and then on July 1, 2020, the schedule will be reduced by 2.38%, with the following exceptions:

- If the District's LCFF revenue increases by an ongoing \$400,000.00 in the 2020-2021 School Year or thereafter, the 2.38% increase shall be applied to the CSEA Salary Schedule across the board and will continue to be ongoing effective July 1, 2020; or,
- If the FMEA unit secures any increase for the 2019-2020 School Year that is ongoing, the CSEA increase of 2.38% shall also continue to be deemed ongoing effective July 1, 2020.

Clerk Tran moved to approve the 2019-2020 CSEA Salary Increase and was seconded by Member Rosado. The motion passed unanimously by the following 4-0 Board vote: President Sanchez – Aye, Vice President Afzal Berta – Absent, Clerk Tran – Aye, Member Rosado – Aye, and Member Rodriguez – Aye.

11.05 Resolution No. 2020-07 - Board Compensation for a Missed Meeting

Superintendent Cruz introduced item 11.05, Resolution No. 2020-07 – Board Compensation for a Missed Meeting for Member Rosado who missed the January 28, 2020 Board Meeting.

Member Rodriguez moved to approve Resolution No. 2020-07 - Board Compensation for a Missed Meeting and was seconded by Clerk Tran. The motion passed unanimously by the following 3-0-1 Board vote: President Sanchez – Aye, Vice President Afzal Berta – Absent, Clerk Tran – Aye, Member Rosado – Aye, and Member Rodriguez – Aye.

11.06 Resolution No. 2020-08 - Celebrating the Life and Legacy of Cesar E. Chavez

Superintendent Cruz introduced item 11.06, Resolution No. 2020-08 - Celebrating the Life and Legacy of Cesar E. Chavez.

Superintendent Cruz introduced Item 11.06, Resolution No. 2020-08 - Celebrating the Life and Legacy of Cesar E. Chavez. He informed the Board that this is an annual resolution in recognition of sacrifices Cesar E. Chavez made for farm workers and civil rights work. The resolution will be sent to schools and we will ask for events that they have planned.

Member Rodriguez moved to approve Resolution No. 2020-08 - Celebrating the Life and Legacy of Cesar E. Chavez and was seconded by Member Rosado. The motion passed unanimously by the following 4-0 Board vote: President Sanchez – Aye, Vice President Afzal Berta – Absent, Clerk Tran – Aye, Member Rosado – Aye, and Member Rodriguez – Aye.

11.07 2019-2020 Contract with WestEd. for Multi-Tier Systems Support (MTSS) in Franklin-McKinley School District

President Sanchez wanted clarification of item 11.07, 2019-2020 Contract with WestEd. for Multi-Tier Systems Support (MTSS) in Franklin-McKinley School District.

Superintendent Cruz informed the Board that the trainer that works with West ED comes from a district that underwent MTSS. The agency has been helping districts implement MTSS. We have worked with the trainer in the past. Over the next three years, it will impact the entire system and impact all the students.

Clerk Tran moved to approve 2019-2020 Contract with WestEd. for Multi-Tier Systems Support (MTSS) in Franklin-McKinley School District and was seconded by Member Rodriguez. The motion passed unanimously by the following 4-0 Board vote: President Sanchez – Aye, Vice President Afzal Berta – Absent, Clerk Tran – Aye, Member Rosado – Aye, and Member Rodriguez – Aye.

12. COMMUNICATIONS FROM SUPERINTENDENT

Superintendent Cruz - Had the opportunity to travel to Los Angeles for recognition and celebration of Meadows and Ramblewood staff for their hard work. Both schools will be invited to the next Board Meeting. He then went on to say that there is going to be a community meeting at Sylvandale with Council Member

Esparza to address the community regarding the rise of violence. Lastly, we will be hosting a Rosemary Allen, a distinguished speaker at Yerba Buena High School. Rosemary Allen is an expert in early learning, which is part of the work we are doing with Educare and Packard. An invitation for the event will be going out to the entire County.

13. COMMUNICATIONS FROM BOARD OF EDUCATION

13.01 Board Member Reports

President Sanchez – Attended the Lunar New Year Celebration at Hellyer School. He also attended special celebration in remembrance of his younger brother where a school was named in his brother's honor.

Vice President Afzal Berta – Absent.

Clerk Tran – No report.

Member Rosado – Absent.

Member Rodriguez – No report.

13.02 Agenda Item Requests

14. FUTURE BUSINESS

15. FUTURE MEETING DATES

15.01 February 25, 2020 @ 7:00 p.m. - Regular Board Meeting

15.02 March 10, 2020 @ 8:00 p.m. - Regular Board Meeting - Parent Meeting @ Dahl School

15.03 March 24, 2020 @ 7:00 p.m. - Regular Board Meeting

16. CLOSED SESSION (if necessary)

17. ADJOURNMENT

Member Rodriguez asked for a motion to adjourn the Open Session of the Board meeting. The motion was seconded by Clerk Tran. The motion passed unanimously

MINUTES, February 11, 2020

by the following 4-0 Board vote: President Sanchez – Aye, Vice President Afzal Berta - Absent, Clerk– Tran - Aye, Member Rosado – Aye, and Member Rodriguez – Aye. The meeting adjourned at 8:53 p.m.

Board Minutes Approved on: _____

Thanh Tran
Clerk of the Board

Juan Cruz
Superintendent/Board Secretary