

**MINUTES – BOARD OF EDUCATION REGULAR MEETING  
Fresno Unified School District  
January 10, 2018**

**Fresno, California  
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Office of the Board of Education, Fresno Unified School District Board Room, Second Floor, Education Center, 2309 Tulare Street, Fresno, CA 93721.

At a Regular Meeting of the Board of Education of Fresno Unified School District, held on January 10, 2018, there were present Student Board Member Riar and Rivera, Board Members Ashjian, Cazares, Davis, De La Cerda, Johnson, Mills and President Jonasson Rosas. Superintendent Nelson was also present.

*Board Member De La Cerda arriving at 4:34 p.m., and Board Member Johnson arriving at 4:38 p.m.*

President Jonasson Rosas convened the Regular Board meeting at 4:31 p.m. in the Board room and ADJOURNED to Closed Session to address items 1 through 6. The Board reconvened in Open Session at 6:37 p.m.

**Staff Present**

Chief Information Officer Arias, Chief Technology Officer Madden, Chief Operations Officer Temple, Executive Director of Constituent Services Plascencia, and, Interim of Equity and Access Bonilla and Chief of Staff David Chavez.

*Deputy Superintendent/CFO Quinto, Chief Human Resources/Labor Relations Officer Idsvoog, and Chief Academic Officer Mecum absent at the board meeting due to labor negotiations.*

**Reporting Out of Closed Session**

- By a vote of 7-0-0-0, the Board took action to in Closed Session for a Workers' Compensation Settlement on Jose Ortiz case number 2013-0814.
- By a vote of 7-0-0-0, the Board took action to in Closed Session for a Workers' Compensation Settlement on Darlene Melander-Ellis case number 2016-0858.
- By a vote of 7-0-0-0, the Board took action in Closed Session to promote Lindsay Sanders, Chief of Equity and Access.

**PLEDGE OF ALLEGIANCE**

Sabrina Smith, a parent that has had a positive impact at Kratt Elementary led the flag salute.

## **APPROVE Minutes**

Approved as recommended the draft minutes for the September 27, 2017 Regular Meeting and October 2, 2017 Special Board Meeting. Member Mills moved for approval, seconded by Member Cazares, which carried a vote of 7-0-0-0, as follows: AYES: Board Members: Ashjian, Cazares, Davis, De La Cerda, Johnson, Mills and President Jonasson Rosas.

**The Edison High School Water Polo Team, CIF Central Section Division III Valley Champions for the 2017/18 School Year were recognized by the Board of Education and Superintendent Nelson.**

## **HEAR Reports from Student Board Representatives**

Students Kajlug Lee and Ana Sanchez from Duncan Polytechnical High School made a presentation to the board, thanking trustee Christopher De La Cerda and Teresa Plascencia from Constituent Services for attending their meeting and answering students' questions. The students are excited about the success of the Be a Santa to a Senior project which collected more than 1,700 items to seniors who were identified as being alone during the holidays. The project also received lots of positive media coverage. SAB students' second semester project focuses on reaching out to students digitally, allowing students to have an anonymous voice through an SAB student voice portal. At Duncan, students are excited about the new heavy vehicle addition to the iDATA academy and are working at growing campus culture. Duncan has a new after school program which helps students struggling with a certain class. Other new programs include several elective classes including guitar, piano, Hmong and photography. Also, students from Bullard Talent School shared what they love about attending Bullard Talent, the activities they participate in and career aspirations.

## **HEAR Report from Superintendent**

- Wished everyone a happy new year. Over winter break, the district partnered with Fresno EOC to provide more than 4,100 free meals to youth in the city of Fresno. Free meals were available to all children between the ages of one and 18 at seven Fresno Unified high schools, the Cesar Chavez Adult School and more than 28 Fresno EOC locations.
- Nelson congratulated Fresno Unified Trustee Cal Johnson and Chief Information Officer Miguel Arias who are set to receive the Community Service Award from the Martin Luther King Unity Committee, represented in tonight's Board Meeting by Dr. Sudarshan Kapoor, Ms. Gail Gaston, and Trustee Eric Payne.

On a motion by Member Mills, seconded by Member De La Cerda, the consent agenda, exclusive of agenda item A-5 which was pulled for further discussion, was approved on a roll call vote of 9-0-0-0 as follows: AYES: Student Board Members Riar and Rivera, Board Members: Ashjian, Cazares, Davis, De La Cerda, Johnson, Mills and Board President Jonasson Rosas.

## **A. CONSENT AGENDA**

### **A-1, APPROVE Personnel List**

**APPROVED**, as recommended the Personnel List, Appendix A, as submitted.

- A-2, ADOPT Findings of Fact and Recommendations of District Administrative Board**  
**ADOPTED, as recommended** the Findings of Fact and Recommendations of District Administrative Panels resulting from hearings on expulsion and readmittance cases conducted during the period since the December 13, 2017 Regular Board meeting.
- A-3, ADOPT Resolutions Delineating Authorized District Agents to Sign on Behalf of Fresno Unified School District**  
**ADOPTED, as recommended** Resolution 17-14 through 17-33 to update authorized officials to sign various business transactions on behalf of Fresno Unified School District. These resolutions will be effective for the period beginning January 10, 2018, until revoked or superseded.
- A-4, APPROVE Agreement with County of Fresno for a Deputy Sheriff at Wawona Middle School**  
**APPROVED, as recommended** an agreement with the County of Fresno to place a Deputy Sheriff at Wawona Middle School to provide a law enforcement presence. The Deputy's duties will include intervention, prevention, education and enforcement, similar to a Student Neighborhood Resource Officer at other middle school campuses. Wawona is located in the County of Fresno, and therefore the law enforcement jurisdiction is the Fresno County Sheriff's Office. The term of the contract will be January 23, 2018 to June 30, 2018, at a cost not to exceed \$93,685 unless there are additional services for special events.
- A-5, RATIFY Purchase Orders from October 1, 2017 through October 31, 2017**  
**RATIFIED, as recommended** purchase orders issued from October 1, 2017, through October 31, 2017. Purchase orders for \$10,000 or more are presented first, followed by purchase orders for less than \$10,000. A list of purchase orders issued for Associated Student Body (ASB) accounts was also provided.

**Prior to the vote Board member Ashjian read the following statement:**

Included in item A-5 are purchase orders for Expo Audio Visual (purchase order number 500930) and Expo Party Rentals & Sales (purchase order number 501544). I have done business with Expo Party Rentals and Expo Audio Visual in my private capacity on other projects not involving Fresno Unified beginning at least five years prior to my election to this Board. I did not participate in making these contracts. Because of my relationship with these companies, I have a remote financial interest in their contract and, therefore, I am abstaining from this vote pursuant to Board Bylaw 9270.

For the record, there were no comments/questions on this agenda item. Member Davis moved for approval, seconded by Member De La Cerda, which carried a 5-0-1-1 vote. AYES: Board Members: Davis, De La Cerda, Johnson, Mills, and President Jonasson Rosas. ABSENT: Board Member Cazares. ABSTENTION: Board Member Ashjian.

**END OF CONSENT AGENDA**

## **UNSCHEDULED ORAL COMMUNICATIONS**

**Mr. Eric Payne, Dr. Sudarshan Kapoor, and Ms. Gail Gadson representing the MLK Unity Committee**– Spoke and shared the calendar of events for celebrating Rev. Dr. Martin Luther King, Jr. in the month of January.

## **B. CONFERENCE/DISCUSSION AGENDA**

### **Agenda Item B-6, Opportunity for Public Disclosure and Ratification of the 2016-2019 Negotiated Collective Bargaining Agreement between Fresno Unified School District and International Association of Machinists and Aerospace Workers (IAM&AW)**

**OPPORTUNITY for public Disclosure and RATIFIED as recommended.** In accordance with Government Code 3547.5, all major provisions of collective bargaining agreements were presented at a public meeting of the public school employer before the employer entered into a written agreement with an exclusive representative

Presentation by Administrator Brian Christiansen

An opportunity was provided to hear questions/concerns from members of the Board and staff was available to respond.

For the record, there were no comments/questions regarding Agenda Item B-6. Member Mills moved for approval, seconded by Member Davis, which carried a 5-0-0-2 vote. AYES: Board Members: Cazares, De La Cerda, Johnson, Mills, and President Jonasson Rosas. ABSENT: Board Member Ashjian and Board Member De La Cerda.

### **Agenda Item B-7, Present, Discuss and Take Action on Bid Protests Regarding Bid E20005 for Wide Area Network Services Dark Fiber and Lit Fiber Options**

The Board received a binder of documentation relevant to protests from bidders AT&T and CVIN, LLC, dba Vast Networks (“Vast Networks”) regarding the award of Bid E20005 for Wide Area Network connections. Consistent with the District’s Formal Bid Protest Procedure, these two bidders filed separate protests with the Executive Director of Purchasing, with AT&T challenging staff’s determination finding AT&T’s bid to be nonresponsive, and Vast Networks challenging staff’s determination finding the winning bidder Conterra Wireless Broadband, LLC, dba Conterra Broadband Services LLC (“Conterra”) to be a responsible bidder.

The Executive Director was unable to resolve these protests and they moved to the Superintendent’s level, where they were reviewed by the Superintendent’s designee, Gina Spade, of Broadband Legal Strategies. Ms. Spade rejected the arguments presented by AT&T and Vast Networks, concluding instead that District staff was correct in finding AT&T’s bid nonresponsive and in recommending that the award be made to Conterra as lowest responsive and responsible bidder.

Presentation by Paul Rosencrans and led by Board President Jonasson Rosas

Board President Jonasson Rosas opened the hearing on AT&T Bid Protest.

*Each party had 10 minutes to present arguments and 2 minutes for a rebuttal.*

**AT&T presented arguments. An opportunity was provided to hear questions/concerns from members of the Board and AT&T was able to respond.**

For the record, comments/questions were made regarding who oversaw the bidding process, why were items missed, clarity on the bid bond, the district's long standing relationship with AT&T, and more savings with AT&T.

**Conterra presented arguments. An opportunity was provided to hear questions/concerns from members of the Board and Conterra was able to respond.**

For the record, comments/questions were made regarding whether or not Conterra sent a RFI to the districts procurement department.

**Fresno Unified's representatives presented arguments. An opportunity was provided to hear questions/concerns from members of the Board and Fresno Unified was able to respond.**

For the record, there were no comments/questions.

Board President Jonasson Rosas closed the hearing on AT&T Bid Protest.

For the record, comments/questions were made regarding Conterra and if they are ready to reach the March 22 deadline, concerns if Conterra can lay down 100 miles of fiber by August, the districts specifications for the job are poor, are we going to be pushed into something that we do not agree with, and concerns that AT&T did not reach out to staff regarding ambiguities when they time to do so. Member Ashjian moved for denial, seconded by Member Davis, which carried a 7-0-0-0 vote. AYES: Board Members: Ashjian, Cazares, Davis, De La Cerda, Johnson, Mills, and President Jonasson Rosas. **AT&T's Bid Protest was DENIED.**

Board President Jonasson Rosas opened the hearing on Vast Networks Bid Protest.

*Each party had 10 minutes to present arguments and 2 minutes for a rebuttal.*

**Vast Network presented arguments. An opportunity was provided to hear questions/concerns from members of the Board and Vast Network was able to respond.**

For the record, comments/questions were made regarding how much fiber does CVIN have in the ground, is the schedule to lay down a 100 miles of fiber by August possible, do you have employees in the area, do you have 90 percent ownership of the lines,

**Conterra presented arguments. An opportunity was provided to hear questions/concerns from members of the Board and Conterra was able to respond.**

For the record, there were no comments/questions were made.

**Fresno Unified's representatives presented arguments. An opportunity was provided to hear questions/concerns from members of the Board and Fresno Unified was able to respond.**

For the record, there were comments/questions regarding whether or not the board could include in their determination of responsible the ability for the vendor to reach the August deadline, prior to tonight had you heard that Conterra's timeline was pushed back, concerns about contract language, confirmation of map routes, Conterra and work with Sanger Unified, if Conterra has local employees, if they have rings, cable and fiber, the timeline and the awarding of the contract, words matter in the contract and the document is not clear, and did Conterra file bankruptcy. Member Davis moved for denial, seconded by Member De La Cerda, which carried a 6-1-0-0 vote. AYES: Board Members: Ashjian, Cazares, Davis, De La Cerda, Johnson, and President Jonasson Rosas. NOES: Board Member Mills. **Vast Network's Bid Protest was DENIED.**

Board President Jonasson Rosas closed the hearing on Vast Networks Bid Protest.

*The Board of Education took a five-minute break.*

**Agenda Item B-8, DISCUSS and APPROVE Award of Bid E20005, Wide Area Network Services Dark Fiber and Lit Fiber Options**

Information was presented on Bid E20005, for Wide Area Network (WAN) connections. The request for bids was lawfully advertised on July 6, 2017 and July 13, 2017. Notifications were sent to 23 vendors, and the district received four responses. Bids were opened on August 15, 2017.

Staff recommended award to the lowest responsive, responsible bidder:

Conterra Wireless Broadband, LLC, dba Conterra Broadband Services LLC.  
(Charlotte, North Carolina) \$8,531,446

The tabulation is attached and bid specifications are available for review in the Purchasing Department.

Presentation by Chief Information Officer Kurt Madden

An opportunity was provided to hear questions/concerns from members of the Board and staff was available to respond.

For the record, comments/questions were made regarding the list of subcontractors, consistency of the Districts procurement process, who from the District will be overseeing the project, and performance bonds. Chief Information Officer Kurt Madden and Paul Rosencrans were able to provide clarification. Member Ashjian made a motion to not approve the award and to throw out all bids, seconded by Member Mills, which carried a 2-5-0-0 vote. AYES: Board Member Ashjian and Mills. NOES: Board Member Cazares, Davis, De La Cerda, Johnson and Board President Jonasson Rosas. **Motion Failed.**

Member Davis moved for approval of bid to Conterra, seconded by Member Johnson, which carried a 5-2-0-0 vote. AYES: Board Members: Cazares, Davis, De La Cerda, Johnson, and President Jonasson Rosas. NOES: Board Member Ashjian and Board Member Mills. **Motion Carries.**

## **Agenda Item B-9, Discuss and Approve the 2018 List of Board Member Committees and Organizations**

Presented was a list of committees and organizations to which Board Members are appointed each year.

Presentation led by Board President Jonasson Rosas

An opportunity was provided to hear questions/concerns from members of the Board.

For the record, there were no comments/questions. Member Davis moved for approval, seconded by Member Cazares, which carried a 7-0-0-0 vote. AYES: Board Members: Ashjian, Cazares, Davis, De La Cerda, Johnson, Mills, and President Jonasson Rosas.

### **C. RECEIVE INFORMATION & REPORTS**

There are no items for this portion of the agenda.

### **BOARD/SUPERINTENDENT COMMUNICATIONS**

**Board Member Mills** – Mentioned concerns regarding the posted 5:30 p.m. Open Session start time and the board meeting starting after such time. Suggested the new By-law committee revisit the start time. Mentioned recognizing Frank Koroatzu Day, and hopes our schools are educating our students regarding his impact in history.

**Board Member Cazares** – Extended the Board's condolences regarding Cambridge student Alanberto Campo. Mentioned the incident at the Bullard and Bond intersection. Wanted to make sure that our staff monitors the chlorine levels in our pools so we don't have an incident like Fresno Pacific. Would like to repeat the districtwide Fresno State welcoming ceremony for seniors who were accepted. Would like an update to the board regarding the African American Academic Acceleration Initiative under Ms. Wendy McCulley. Lastly, mentioned revisiting the resolutions that are adopted by the board.

**Board Member De La Cerda** – Would like an update as to where the District is regarding Civic Engagement courses.

**Board Member Davis** – Mentioned the mural at Ewing Elementary. Concerns of traffic patterns and crosswalks need to be repainted.

**Board President Jonasson Rosas** – Also mentioned problems at Ewing and the parking situation. Would like a board communication as to when the first meeting of the School Liaison Committee meeting will be.

*Board Member Ashjian left the meeting at 9:24 p.m.*

The Board Adjourned to closed session. No items were reported out from Closed Session.

### **D. ADJOURNMENT**

With no further business to come before the Board, Board President Jonasson Rosas declared the meeting adjourned at 9:31 p.m.