



BOARD OF EDUCATION
REGULAR MEETING
2309 TULARE STREET
BOARD ROOM, 2nd FLOOR
FRESNO, CA 93721
board.fresnounified.org

MINUTES – BOARD OF EDUCATION REGULAR MEETING

Fresno, California
August 09, 2023

Fresno Unified School District, Education Center, 2309 Tulare Street, Fresno, CA 93721.

At a Regular Meeting of the Board of Education of Fresno Unified School District, held on August 09, 2023, there were present Board Members Cazares, Davis, Jonasson Rosas, Levine, Thomas, Clerk Wittrup, and Board President Islas. Superintendent Dr. Nelson was also present.

Board President Islas CONVENED the Regular Board Meeting at 4:37 p.m.

OPPORTUNITY for Public Comment on Closed Session Items

For the record, the Board received two requests to address the Board on Closed Session items. The individual's name with a summary of topic are as follows:

1. Jennifer Davis: Spoke of concern the district is not including thirty-seven days of English Language Proficiency Assessment testing in guest teacher's Full-Time Equivalent allocation.
2. Dana Johnson: Spoke of concern the district is considering a decrease to the daily pay of guest teachers.

Board President Islas ADJOURNED the Regular Board Meeting to Closed Session at 4:42 p.m.

For the record, Trustee Thomas arrived at 4:45 p.m.

For the record Trustee Cazares arrived at 5:15 p.m.

For the record, Closed Session extended to 6:45 p.m.

Board President Islas RECONVENED the meeting to Open Session at 6:50 p.m.

Reporting Out of Closed Session

- On a motion by Board Member Thomas, seconded by Board President Davis, the Board acted in Closed Session on a Workers' Compensation claim for Joe Lee Benton, Case No. WC21-0423-5342, by a vote of 7-0-0-0 as follows: AYES: Board Members: Cazares, Davis, Jonasson Rosas, Levine, Thomas, Clerk Wittrup, and Board President Islas.
- On a motion by Board Member Thomas, seconded by Board Member Jonasson Rosas, the Board acted in Closed Session on a Workers' Compensation claim for Mark Fleming, Case No. WC21-0121-5211, by a vote of 7-0-0-0 as follows: AYES: Board Members: Cazares, Davis, Jonasson Rosas, Levine, Thomas, Clerk Wittrup, and Board President Islas.
- On a motion by Board Member Thomas, seconded by Board Member Davis, the Board acted in Closed Session on a Workers' Compensation claim for Maritza Lugo, Case No. 2017-0174, by a vote of 7-0-0-0 as follows: AYES: Board Members: Cazares, Davis, Jonasson Rosas, Levine, Thomas, Clerk Wittrup, and Board President Islas.
- On a motion by Board Member Davis, seconded by Board Member Levine, the Board acted in Closed Session to promote Patrick Jensen to Chief Financial Officer in Business and Financial Services, by a vote of 6-1-0-0 as follows: AYES: Board Members: Davis, Jonasson Rosas, Levine, Thomas, Clerk Wittrup, and Board President Islas. NOES: Board Member Cazares.
- On a motion by Board Member Davis, seconded by Board Member Thomas, the Board acted in Closed Session to promote Yi Xiong to Assistant Superintendent in Human Resources, by a vote of 7-0-0-0 as follows: AYES: Board Members: Cazares, Davis, Jonasson Rosas, Levine, Thomas, Clerk Wittrup, and Board President Islas.
- On a motion by Board Member Thomas, seconded by Board Member Cazares, the Board acted in Closed Session to promote Carlos Arredondo to Assistant Superintendent in Human Resources, by a vote of 7-0-0-0 as follows: AYES: Board Members: Cazares, Davis, Jonasson Rosas, Levine, Thomas, Clerk Wittrup, and Board President Islas.
- On a motion by Board Member Thomas, seconded by Board Member Davis, the Board acted in Closed Session to promote Thomas Williams to Principal III at Gaston Middle School, by a vote of 7-0-0-0 as follows: AYES: Board Members: Cazares, Davis, Jonasson Rosas, Levine, Thomas, Clerk Wittrup, and Board President Islas.
- On a motion by Board Thomas, seconded by Board Member Jonasson Rosas the Board acted in Closed Session to promote Gilbert Villarreal to Principal III at Terronez Middle School, by a vote of 7-0-0-0 as follows: AYES: Board Members: Cazares, Davis, Jonasson Rosas, Levine, Thomas, Clerk Wittrup, and Board President Islas.

Reporting Out of Closed Session – continued

- On a motion by Board Member Davis, seconded by Board President Islas, the Board acted in Closed Session to promote Autumn Prestidge to Principal IV at eLearn Academy, by a vote of 7-0-0-0 as follows: AYES: Board Members: Cazares, Davis, Jonasson Rosas, Levine, Thomas, Clerk Wittrup, and Board President Islas.
- On a motion by Board Member Thomas, seconded by Board Member Jonasson Rosas, the Board acted in Closed Session to promote Angelica Espinosa to Principal II at Winchell Elementary School, by a vote of 7-0-0-0 as follows: AYES: Board Members: Cazares, Davis, Jonasson Rosas, Levine, Clerk Wittrup, and Board President Islas.
- On a motion by Board Member Thomas, seconded by Board Member Jonasson Rosas, the Board acted in Closed Session to promote Lianna Silva to Principal II at Sunset Elementary School, by a vote of 7-0-0-0, as follows: AYES: Board Members: Cazares, Davis, Jonasson Rosas, Levine, Thomas, Clerk Wittrup, and Board President Islas.
- On a motion by Board Member Davis, seconded by Board Member Levine, the Board acted in Closed Session to promote Felicia Treadwell Quarles to Administrator in Human Resources, by a vote of 7-0-0-0, as follows: AYES: Board Members: Cazares, Davis, Jonasson Rosas, Levine, Thomas, Clerk Wittrup, and Board President Islas.

PLEDGE OF ALLEGIANCE

Tami Lundburg led the Flag Salute.

HEAR Report from Superintendent

- Good evening and let me be the first to welcome you all to the 2023/24 school year! We are so excited to kick off the school year on Monday with all our students back on our campuses!
- We have had such a fun and successful summer with summer academies at most schools, and amazing summer camps all throughout the month of July. Almost 8,000 of our students enjoyed summer camps like the Sports Science Institute, Junior Chef Academy, Making the Banda, Zooventures, River Camp, amazing sports camps with our Fresno State Athletes, and so many more opportunities. Actually, let us take a quick look at a great story from KSEE24 on our Dive into Space summer camp.
- Isn't that amazing? Every summer, thanks to our Extended Learning team, we are challenging our students academically AND ensuring they have real-world and student-centered learning experiences.

HEAR Report from Superintendent - continued

In fact, just this morning I was with our Extended Learning team for their kickoff with all staff and we had Michael Funk, Director of Expanded Learning at the California Department of Education with us in-person. Mr. Funk specifically shared with us that Fresno Unified is the gold standard NATIONALLY for after school and summer school use of extended learning funding! I am so proud and so grateful to every single one of our Fresno Unified Family, including our community partners, who have made these incredible opportunities available for our students!

- Coming off of a super successful summer and ending the last school year seeing our students' academic growth back on the rise, we are ready to maximize that success with our best year yet! On top of the many ongoing and additional investments directly into our student achievement over the years, this school year alone we're adding another \$93 million directly into our plans for students this year.
- We are putting \$20 million per year for the next 5 years into our concerted literacy efforts, specifically targeting our preschool through first graders with our "Every Child a Reader" plan. In addition, we have \$2.1 million in 15 additional literacy coaches to support early literacy and \$1.7 million in additional high school teachers to support smaller class sizes in literacy.
- We are putting an additional \$7.2 million into school safety. We know safety is a top priority of ours, of our families, and of our staff so we're adding 68 campus safety assistants to ensure every single elementary school has a full-time campus safety assistant and that our comprehensive high schools have even more campus safety assistants. We are adding more cameras, providing more training and preparedness, and have invested in a new Executive Director of Safety, Walter Gunn. Walter brings more than 30 years of experience in safety and security who, among many other duties, is overseeing school site and department safety plans and is evaluating and making improvements to our existing systems, while also serving as a liaison to our site administrators.
- These are just a couple of examples along with the almost \$9 million additional investment into health and wellbeing including our first phase of ensuring a full-time school nurse at every school, more than \$9 million in technology upgrades including outdoor Wi-Fi expansions at campuses across Fresno Unified, more than \$8 million for facilities and maintenance, more than \$13 million for arts and athletics, an additional almost \$4 million in our Special Education services and so much more.
- Speaking of our Special Education services, I have to give a shoutout to our labor partners at CSEA and our bargaining team for finalizing agreements over the past week that will drastically improve our services for students receiving specialized services. Thanks to collaboration at the negotiating table, Special Education Paraprofessionals now have four additional professional learning days per year, those working 6-hour days are increased to 7-hour duty days to align with school site and student needs, and all Special Education Paraprofessionals are seeing a 5-grade reclassification as they take on additional responsibilities to best serve our students. This is amazing news for all involved, and most importantly our students. Thank you, team!

HEAR Report from Superintendent-continued

- The more than \$93 million in additional student investments are targeted and strategic, fulfilling plans we have made to improve academic performance, increase student engagement, and expand opportunities for student-centered, real-world learning experiences. These plans have been made considering the feedback of our families, our teachers, our staff, and our students – specifically looking to meet the needs of our community. I think of our English Learner Master Plan as a great example, where our teams are engaging to get critical feedback, using research and best practices, showing their increases in reclassification rate, AND working to better their targeted services. Just last year, over 1,000 students were reclassified – this is nearly a 7% increase from the previous school year. I am sure you can tell – but I am not kidding when I say this is going to be our best year yet!
- I have to say thank you to all our team members who have been hard at work over the summer ensuring our campuses are clean, beautiful, and ready for our kids next week. Special thanks to our custodians, our ground workers, maintenance crews, and so many others for your amazing work and dedication.
- Thank you to all our fantastic teachers who are back today. I know you are all getting your rooms ready for your students, getting your lessons in line for an amazing year of learning, and I am sure getting those first day jitters built up like I did every year getting my room ready for my kids. We want to ensure you have what you need to be successful, and though I know there were options and choice provided initially regarding technology, specifically projectors, if you are missing that piece of technology and could use it to make your instruction that much more engaging, please talk with your site leader. Your leaders can work directly with our Information Technology folks on options available to you.
- I would be remiss not to acknowledge what I know is on many of our teachers and families' minds as we move into the fact-finding process with our teachers' union. We are doing our absolute best to avoid a strike, as our students deserve to be in their classrooms with their teachers – especially after the impact of the pandemic on our schools. However, if a strike does become our reality, we are well-prepared and we will ensure our schools stay open, safe, and full of critical learning for our students. Our kids cannot afford to lose any learning time, and we are committed to ensuring that does not happen. I can assure you; we will continue to work towards an agreement that is best for kids, mutually beneficial, and ensures the ongoing fiscal stability and strength of Fresno Unified.
- Last, I want to make sure our families know where they can go for all of their back-to-school information. You can find information about required immunizations, bus and bell schedules, enrollment information and more on our website at www.Fresno Unified.org. And to our community – PLEASE be safe on the roads on Monday. Our kids will be walking, biking, at bus stops, and increased traffic will be around our schools for drop-off and pick-up times. Slow down, give yourself extra time, and please put down your electronics while you are driving. Our kids depend on it and deserve to be safe as they come and go from our schools. You'll see this Public Service Announcement running on our local stations, let's take a look. Be safe – we cannot wait to see you on Monday, August 14!

BOARD/SUPERINTENDENT COMMUNICATIONS

Board Members had the opportunity for Board/Superintendent communications. A summary is as follows:

Member Jonasson Rosas: Requested a plan to have pools opened earlier or at least on weekends. Asked if summer camps can have full-day sessions. Requested update on crossing guard recruitment.

President Islas: Echoed the importance of safe route to schools and hopes the district can redouble efforts to work with the city. Emphasized access to free school meals and encouraged families to maximize the opportunity. Echoed support to maximize pool opportunities.

OPPORTUNITY for Public Comment on Consent Agenda items

For the record, the Board received zero requests to address the Board on the Consent Agenda.

For the record, staff pulled from the consent agenda item A-8, and from the conference and discussion agenda, items B-28 and B-29; therefore, no discussion or action took place for items A-8, B-28, and B-29.

On a motion by Board Member Davis, seconded by Board Member Levine, the Board approved the Consent Agenda except for agenda items A-14, A-18, A-21, A-23, A-24, and A-27 which were pulled for further discussion, by a roll call vote of 7-0-0-0, as follows: AYES: Board Members: Cazares, Davis, Jonasson Rosas, Levine, Thomas, Clerk Wittrup, and Board President Islas.

ALL CONSENT Agenda items are considered routine by the Board of Education and will be enacted by one motion. There will be no separate discussion of items unless a Board member requests, in which event, the item(s) will be considered following approval of the Consent Agenda. Pulled Consent Agenda items will be considered for approval after the Conference/Discussion Agenda.

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 June 21, 2023, Regular Board Meeting.

A. CONSENT AGENDA - continued

- A-3, APPROVE Minutes from Prior Meeting**
APPROVED as recommended, the draft minutes for the June 21, 2023, regular Board meeting.
- A-4, ADOPT Resolution 24-01, Authorizing Submittal of Grant Application, Acceptance of Funds, and Execution of Agreement to Implement the Urban Community Drought Relief Grant Projects**
ADOPTED as recommended, Resolution 24-01, authorizing submittal of grant application, acceptance of funds, and execution of agreement to implement the Urban Community Drought Relief Grant Projects from the Department of Water Resources (DWR).
- A-5, ADOPT Resolutions 24-02, 24-03, 24-04, and 24-05 Authorizing Submittal of Grant Applications, Acceptance of Awards, and Execution of Agreements to Implement Projects from the California Schools Healthy Air, Plumbing, and Efficiency Program (CalSHAPE); and APPROVE Professional Services for the CalSHAPE Ventilation Program**
ADOPTED as recommended, Resolutions 24-02, 24-03, 24-04, and 24-05 authorizing submittal of grant applications, acceptance of awards, and execution of agreements from the California Energy Commission for the California Schools Healthy Air, Plumbing, and Efficiency (CalSHAPE) Ventilation Program.
- A-6, ADOPT Resolution 24-06 Authorizing Debt Service Estimate to be Provided to the County of Fresno Respecting Unsold General Obligation Bonds of the Fresno Unified School District Relating to the Measure M Authorization for Fiscal Year 2023/24**
ADOPTED as recommended, Resolution 24-06 to authorize a debt service estimate be provided to the County of Fresno respecting unsold General Obligation Bonds of the Fresno Unified School District relating to the Measure M Authorization for Fiscal Year 2023/24.
- A-7, APPROVE Budget Revision No. 1 for Fiscal Year 2023/24**
APPROVED as recommended, Budget Revision No. 1 for fiscal year 2023/24.
- A-8, APPROVE all 2023/24 Salary Schedules - Classified Food Services Hourly, Classified Hourly, Fresno Teachers Association – Trades, International Association of Machinists and Aerospace Workers Crafts Hourly, Confidential Hourly, Supervisory Hourly, Certificated and Classified Management, Nurses and Speech Language Pathologists, Teachers and Librarians, Teachers on Special Assignment, Designated Teachers, Career Technical Ed/Vocational Ed Teachers, Junior Reserve Officers' Training Corps Instructors, Lori Ann Infant Center, Child Development Center and Pace Teachers, Adult Education, Pre-Kindergarten Teachers, and Classified Y-Rated Salary Schedule**
PULLED by staff. No discussion or action taken.

A. CONSENT AGENDA - continued

A-9, APPROVE Position and ADOPT Job Description of Supervisor, Environmental Health and Safety Services and Classified Management Salary Schedule 261 Duty Days

APPROVED as recommended, the job description of Supervisor, Environmental Health and Safety Services and the revised Classified Management Salary Schedule 261 Duty Days.

A-10, APPROVE Annual Hiring of Non-Credentialed Consultants for the 2023/24 School Year

APPROVED as recommended, a request to hire non-credentialed consultants who possess unique skills from business, performing arts and postsecondary institutions to provide instruction to students for the 2023/24 school year.

A-11, APPROVE Credentialed Teachers to Coach One Period of Competitive Sport for Physical Education Credit for the 2023/24 School Year

APPROVED as recommended, is a request to approve credentialed teachers to coach one period of competitive sport for physical education credit. Pursuant to California Education Code 44258.7(b) teachers who hold a teaching credential in a subject or subjects other than physical education may be authorized to coach one period per day in a competitive sport for which students receive physical education credit.

A-12, APPROVE Retiree Contracts for the 2023/24 School Year

APPROVED as recommended, twelve retiree contracts. Five retiree contracts are for part-time teachers needed at Fresno Adult School. As well as seven retiree contracts to help fill vacancies in elementary music.

A-13, APPROVE Annual Agreements for the 2023/24 School Year – Primary Report

APPROVED as recommended, a matrix detailing agreements to provide services to Fresno Unified School District. Agreements will commence after Board approval and start in August for the 2023/24 school year and include the following categories:

- College and Career Readiness
- Community Engagement
- Business and Financial Services
- Professional Development
- Targeted Assistance:
 - Student Achievement Outcomes
 - Social Emotional Supports

A. CONSENT AGENDA - continued

Two agenda items are presented to approve the agreements. The first item includes the Primary Report with all agreements with the exception of those that may present a potential conflict of interest for an individual Board member. All remaining agreements are in the Supplemental Report and presented as a second agenda item. By separating the agreements in this manner, Board members with potential conflicts of interest can abstain from voting on the Supplemental Report while still voting along with the rest of the Board on the Primary Report. Please be advised that pursuant to Board Bylaw 9270, each individual Board member has a continuing duty to disclose and abstain from voting on any item where the potential for a conflict of interest exists. Copies of the individual contracts are available upon request. Contracts will commence after Board approval and will end no later than June 30, 2024.

A-14, APPROVE Annual Agreements for the 2023/24 School Year – Supplemental Report

APPROVED as recommended, a matrix detailing agreements to provide services to Fresno Unified School District. Agreements will commence after Board approval and start in August for the 2023/24 school year and include the following categories:

- Targeted Assistance:
 - Student Achievement Outcomes
 - Social Emotional Supports

Two agenda items are presented to approve the agreements. The first item includes the Primary Report with all agreements with the exception of those that may present a potential conflict of interest for an individual Board member.

For the record, Board Member Jonasson Rosas read a statement as follows:

“Agenda item A-14 on tonight’s Consent Agenda contains agreements with Hands-On Central California. Hands-On of Central California, operates as the fiscal agent for the Fresno Street Saints.

I am a member of the Board of Directors of the Fresno Street Saints. I did not participate in the making of the agreements related to this agenda item; however, in the interest of full transparency, I am abstaining from this vote pursuant to Board Bylaw 9270.”

For the record, Board Member Levine read a statement as follows:

“Agenda item A-14 on tonight’s consent agenda contains agreements with the Fresno County Economic Opportunities Commission for EOC Youth Fellowship. I have been employed by Fresno County EOC, which is a nonprofit corporation.

A. CONSENT AGENDA - continued

Additionally, item A-14 also contains agreements for California Teaching Fellows Foundation. I am currently employed by California State University, Fresno.

I did not participate in the making of the agreements related to this agenda item; but, because of my employment with both Fresno EOC and Fresno State I have a remote financial interest in those agreements.

Therefore, in the interest of full transparency, I am abstaining from this vote pursuant to Board Bylaw 9270.”

On a motion by Board Member Thomas, seconded by Board Member Davis, agenda item A-14 was approved by a vote of 5-0-2-0 as follows: AYES: Board Members: Cazares, Davis, Thomas, Clerk Wittrup, and Board President Islas. ABSTENTIONS: Board Members: Jonasson Rosas and Levine.

A-15, APPROVE Use of Individual Piggyback Contracts

APPROVED as recommended, a list of seven piggyback contracts for use during 2023/24 for efficient and cost-effective procurement. This is in addition to piggyback contracts approved by the Board previously, to allow for expedited purchases related to furniture, food, bus lift, and license, maintenance, and support of software systems. Use of piggyback contracts is allowed under Public Contract Codes 10299 and 20118 and is a procurement best practice that takes advantage of competitive pricing from a contract formally bid by another school district or public agency.

A-16, APPROVE Award of Bid 24-11, Hyperconverged Servers and Accessories

APPROVED as recommended, information on Bid 24-11, Hyperconverged Servers and Accessories to establish a fixed unit price for the purchase of data center servers. The initial purchase will be for seven servers. Additional purchases will be made on an as needed basis. Staff recommend rejecting bids from Key Code Media due to bidding warranty coverage that did not meet the bid specifications. Staff recommend award to the lowest responsive, responsible bidder: CDW Government LLC (Vernon Hills, Illinois) \$ 214,165.

A-17, APPROVE Award of Bid 24-12, Ahwahnee and Fort Miller Middle Schools Confidential Spaces Installation

APPROVED as recommended, information on Bid 24-12, Ahwahnee and Fort Miller Middle Schools Confidential Spaces Installation. The project consists of the installation of permanent walls in existing rooms at Ahwahnee and Fort Miller Middle Schools to provide confidential spaces for student support. Staff recommend award to the lowest responsive, responsible bidder: Better Enterprises, Inc. (Fresno, California) \$ 793,082.

A. CONSENT AGENDA - continued

A-18, APPROVE Vendor Designation Per Request for Qualifications 23-30, Curriculum, Instruction and Professional Learning Services

APPROVED as recommended, information on Request for Qualifications (RFQ) 22-30. On March 22, 2023, the Board approved RFQ 22-30, to provide a pool of qualified vendors in the categories of Curriculum, Professional Learning, Indirect/Direct Student Services, and Professional Learning Initiative Services. The RFQ establishes a list of prequalified vendors that may be used for these services needed throughout the year. The term is three years with two one-year renewal terms and will begin August 10, 2023.

For the record, Board Member Levine read a statement as follows:

“Agenda item A-18 on tonight’s Consent Agenda contains a request to approve vendor designation, per Request for Qualification 23-30, for California Teaching Fellows Foundation. I am currently employed by California State University, Fresno.

I did not participate in the vendor designation related to this agenda item; but, because of my employment with Fresno State, I have a remote financial interest in this item.

Therefore, in the interest of full transparency, I am abstaining from this vote pursuant to Board Bylaw 9270.”

On a motion by Board Member Thomas, seconded by Board Member Davis, agenda item A-18 was approved by a vote of 6-0-1-0 as follows: AYES: Board Members: Cazares, Davis, Jonasson Rosas, Thomas, Clerk Wittrup, and Board President Islas. ABSTENTIONS: Board Member: Levine.

A-19, APPROVE Proposed Revisions for Board Bylaws

APPROVED as recommended, proposed revisions for five Board Bylaws (BB), one Administrative Regulation (AR) and one Exhibits (E) as follows:

- BB 9224 Oath or Affirmation (NEW)
- BB 9311 Board Policies
- E 9320 Meetings and Notices (DELETE)
- BB 9321 Closed Session Purpose and Agendas
- BB 9321.1 Closed Session Conduct and Reports (DELETE)
- AR 9322 Agenda/Meeting Materials (DELETE)
- BB 9324 Minutes and Recordings

A-20, APPROVE Proposed Revisions for Board Policies

APPROVED as recommended, proposed revisions for three Board Policies (BP) as follows:

A. CONSENT AGENDA - continued

- BP 1112 Media Relations
- BP 1114 District-Sponsored Social Media (NEW)
- BP 5145.12 Search and Seizure

A-21, RATIFY Agreement with California State University, Fresno for the Programs for Children

RATIFIED as recommended, a five-year agreement between Fresno Unified School District and California State University, Fresno, for the Programs for Children to collaboratively operate an inclusive preschool program on their campus.

For the record, Board Member Levine read a statement as follows:

“Agenda item A-21 on tonight’s Consent Agenda contains a request to ratify an agreement with California State University, Fresno for Programs for Children. I am currently employed by California State University, Fresno.

I did not participate in the making of the agreement related to this agenda item; but, because of my employment with Fresno State, I have a remote financial interest in the agreement.

Therefore, in the interest of full transparency, I am abstaining from this vote pursuant to Board Bylaw 9270.”

On a motion by Board Member Thomas, seconded by Board Member Davis, agenda item A-21 was approved by a vote of 6-0-1-0 as follows: AYES: Board Members: Cazares, Davis, Jonasson Rosas, Thomas, Clerk Wittrup, and Board President Islas. ABSTENTIONS: Board Member Levine.

A-22, RATIFY Amendment to Lease Agreement for Property Located at 3742 W. Gettysburg, Suite 102

RATIFIED as recommended, the amendment to the lease agreement with Picketts’ Ponderosa Construction, L.P. for the paved yard located at 3742 W. Gettysburg, Suite 102 in Fresno, which is the vehicle parking lot for Nutrition Center employees. This agenda item is presented to the Board to ratify the amendment extending the lease to June 30, 2026.

A-23, RATIFY Agreement for Request for Qualifications and Proposals 23-12, Design Build Services with Davis Moreno Construction, Inc.

RATIFIED as recommended, Request for Qualifications and Proposals (RFQP) 23-12, Design-Build Services with Davis Moreno Construction, Inc. (DMCI) at the guaranteed maximum price (GMP) of \$4,012,647 for Elementary and Secondary School Emergency Relief (ESSER) III heating, ventilation, and air conditioning (HVAC) project.

A. CONSENT AGENDA - continued

For the record, Board Members had comments/questions pertaining to agenda item A-23. A summary is as follows:

Clerk Wittrup: Stated is not asking to table the item because does not want to hold up progress on clean air in classrooms but does have concerns. Stated will scrutinize future construction projects and change orders from all general contractors. Commented on seeing a pattern of numerous and excessive change orders from primary general contractors. Commented on the bidding process and stated if every bid ultimately means the district pays an additional ten percent on construction contracts it does not seem like an honest process, and even the perception of impropriety is not acceptable.

Commented a review of construction projects over the last seven years showed the district has contracted with Davis Moreno for more than \$212 Million with an additional \$6 Million in change orders. Asked why the district is giving the largest share of construction projects to a company that has been suing the district over the past eleven years. Asked how much the district has paid in legal fees because of this lawsuit. Asked how much the change orders for the five current contracts with Davis Moreno cost. Strongly urged the district to put an end to the lawsuit with Davis Moreno as it continues to cost the district and taxpayers money that should be directed to the education of students.

Member Thomas: Asked if Stephen Davis is making a profit from the work being done for the district. Commented the district should not hire people who are suing the district and requested staff to see what can be done to rectify.

Member Jonasson Rosas: Commented in the past scrutinized every change order brought forward, but it did not seem to gain momentum; because of that made the decision not to scrutinize change orders as it did not go anywhere. Commented on being happy to hear it is changing and the opportunities presented. Commented on having been told that restricting change orders will make the district noncompetitive and vendors would not want to bid on projects. Commented one area for change is if errors cause additional construction cost the entity that made the mistake should cover the cost for mistake. Commented that as the district moves forward the prequalification process should be tightened. Requested a status update on the design build model.

Member Cazares: Commented she does not believe the practice the district uses is unfair. Commented that hard bid is most likely the fairest way to choose someone in construction. Asked what colleagues are using to make comparisons. Commented on having seen change orders with credits when vendor has made a mistake and it is not unusual to see. Commented that \$6 Million in change orders over \$212 Million in projects is less than 3%. Commented it may be useful to see the next highest bid received. Stated not against revising prequalification standards regarding suing the district, if it is legal, and would like staff to find out how well it has worked for districts regarding low bids.

A. CONSENT AGENDA - continued

Member Davis: Commented it is disheartening to see the district in a lawsuit for a number of years and it would behoove the district to keep a running tally of what can be done to best serve the district and maximize every dollar.

On a motion by Board Member Levine, seconded by Board Member Cazares, agenda item A-23 was ratified by a roll call vote of 4-1-2-0 as follows: AYES: Board Members: Cazares, Davis, Levine, and Board President Islas. NOES: Board Clerk Wittrup. ABSTENTIONS: Board Members: Jonasson Rosas and Thomas.

A-24, RATIFY Change Orders

RATIFIED as recommended, Change Orders for the projects below as follows:

Bid 22-01, Addams Elementary School Building Additions and Modernization
Change Order 8 presented for ratification \$33,199

Bid 22-13, Hoover High School Gym, Locker Room, and Music Building HVAC Equipment Replacement
Change Order 2 presented for ratification \$94,574

Bid 22-40, Hoover High School Library Modernization
Change Order 3 presented for ratification \$111,110

Bid 23-08, Yosemite Middle School Classroom Modernization and Interim Housing
Change Order 1 (Classroom Mod) presented for ratification \$41,577
Change Order 1 (Interim Housing) presented for ratification \$28,634

On a motion by Board Member Cazares, seconded by Board Member Davis, agenda item A-24 was ratified by a roll vote of 7-0-0-0 as follows: AYES: Board Members: Cazares, Davis, Jonasson Rosas, Levine, Thomas, Clerk Wittrup, and Board President Islas.

A-25, RATIFY the Filing of a Notice of Completion

RATIFIED as recommended, a Notice of Completion for a project, which has been completed according to plans and specifications as follows:

Bid 22-13, Hoover High School Gym, Locker Room, and Music Building HVAC Equipment Replacements

For Information Only
Original contract amount: \$2,299,000
Change Order(s) previously ratified: \$170,983
Contract amount: \$2,469,983

A. CONSENT AGENDA - continued

A-26, RATIFY Purchase Orders from May 01, 2023, through May 31, 2023 – Primary Report

RATIFIED as recommended, information on purchase orders issued from May 01, 2023, through May 31, 2023. Two agenda items are presented to ratify purchase orders. The first item includes the Primary Report with all purchase orders issued during the reported dates with the exception of those that may present a potential conflict of interest for an individual Board member. All remaining purchase orders are in the Supplemental Report and presented as a second agenda item.

A-27, RATIFY Purchase Orders from May 01, 2023, through May 31, 2023 – Supplemental Report

RATIFIED as recommended, information on purchase orders issued from May 01, 2023, through May 31, 2023. Two agenda items are presented to ratify purchase orders. The first item includes the Primary Report with all purchase orders issued during the reported dates with the exception of those that may present a potential conflict of interest for an individual Board member. All remaining purchase orders are in the Supplemental Report and presented as a second agenda item.

For the record, Board Member Levine read a statement as follows:

“Agenda item A-27 on tonight’s Consent Agenda contains purchase orders for California Teaching Fellows Foundation and I am currently employed by California State University, Fresno.

Additionally, item A-27 also contains purchase orders with the Fresno County Economic Opportunities Commission, and I have been employed by Fresno County EOC, which is a nonprofit corporation.

I did not participate in the making of the purchase orders related to this agenda item; but, because of my employment with both Fresno State and Fresno EOC I have a remote financial interest in those purchase orders.

Therefore, in the interest of full transparency, I am abstaining from this vote pursuant to Board Bylaw 9270.”

On a motion by Board Member Thomas, seconded by Board Member Davis, agenda item A-21 was approved by a vote of 6-0-1-0 as follows: AYES: Board Members: Cazares, Davis, Jonasson Rosas, Thomas, Clerk Wittrup, and Board President Islas. ABSTENTIONS: Board Member Levine.

B. CONFERENCE/DISCUSSION AGENDA

B-28, OPPORTUNITY for Public Disclosure and RATIFICATION of the 2023/24 School Year Negotiated Collective Bargaining Agreement between Fresno Unified School District and California School Employee Association, Chapter 125

PULLED by staff. No presentation or action taken.

B-29, OPPORTUNITY for Public Disclosure and RATIFICATION of the 2023/24 School Year Negotiated Collective Bargaining Agreement between Fresno Unified School District and California School Employee Association, Chapter 143

PULLED by staff. No presentation or action taken.

OPPORTUNITY FOR UNSCHEDULED ORAL COMMUNICATIONS

For the record, the Board received zero requests to address the Board during Unscheduled Oral Communications.

C. RECEIVE INFORMATION & REPORTS

For the record, there were no items for the Board to receive.

D. ADJOURNMENT

Board President Islas ADJOURNED the meeting at 7:50