



Magnolia Public Schools

Regular Facilities Committee

Date and Time

Wednesday December 9, 2020 at 5:30 PM PST

Location

<https://zoom.us/j/94639995785?pwd=NUxqRkl5ZnRYQVc1dlk3VCtKVzhRQT09>

Meeting ID: 946 3999 5785

Passcode: 756137

One tap mobile

+16699009128,,94639995785# US (San Jose)

Meeting Notice:

In compliance with the Americans with Disabilities Act (ADA) and upon request, Magnolia Public Schools may furnish reasonable auxiliary aids and services to qualified individuals with disabilities. Individuals who require appropriate alternative modification of the agenda in order to participate in Board meetings are invited to contact the MPS central office. If you need special assistance to attend the meeting or translation services, please notify Jennifer Lara at (213) 628-3634 x100 48 hours in advance of the meeting to make arrangements and accommodations.

Any public records relating to an agenda item for an open session of the committee which are distributed to all, or a majority of all, of the committee members shall be available for public inspection at 250 East 1st St. Ste 1500 Los Angeles, CA 90012.

Facilities Committee Members

Mr. Mekan Muhammedov, Chair

Ms. Diane Gonzalez

Mr. Haim Beliak

Ms. Sandra Covarrubias (alternate)

CEO and Superintendent

Mr. Alfredo Rubalcava

Agenda

	Purpose	Presenter	Time
I. Opening Items			5:30 PM
Opening Items			
A. Call the Meeting to Order			1 m
B. Record Attendance and Guests			1 m
C. Public Comments			5 m

- | | | | |
|--|-----------------|--|-----|
| D. Approval of Agenda | Vote | | 1 m |
| E. Approval of Minutes from Regular MPS Facilities Committee Meeting - January 15, 2019 | Approve Minutes | | 1 m |
| Approve minutes for Regular Facility Committee Meeting on January 15, 2019 | | | |

II. Facility Committee- Recommended Action Items **5:39 PM**

- | | | | |
|--|------|-------------|-----|
| A. Approval of MPS Staff to Respond to Letter of Intent and Negotiate Purchase and Sale Agreement | Vote | P.Ontiveros | 5 m |
| B. Approval of MSA-1 Franco Architects Design Contract | Vote | P.Ontiveros | 5 m |

III. Closing Items **5:49 PM**

- | | | | |
|---------------------------|------|--|--|
| A. Adjourn Meeting | Vote | | |
|---------------------------|------|--|--|

Cover Sheet

Approval of Minutes from Regular MPS Facilities Committee Meeting - January 15, 2019

Section: I. Opening Items
Item: E. Approval of Minutes from Regular MPS Facilities Committee Meeting -
January 15, 2019
Purpose: Approve Minutes
Submitted by:
Related Material: Minutes for Regular Facility Committee Meeting on January 15, 2019

DRAFT



Magnolia Public Schools

Minutes

Regular Facility Committee Meeting

Date and Time

Tuesday January 15, 2019 at 5:00 PM

Location

MPS Home Office: 250 E. 1st St. Ste. 1500 Los Angeles, CA 90012

Board Members who joined remotely participated from the following locations:

- MSA-San Diego - 6365 Lake Atlin Ave., San Diego, CA 92119 (Dr. Salih Dikbas)
- UCLA- Boyer 659, 611 Charles Young Dr. E Los Angeles, CA 90095 (Dr. Saken Sherkhanov)
- 940 Steward Dr. Sunnyvale, CA 94085 (Dr. Umit Yapanel)

Facilities Committee Members

Ms. Charlotte Brimmer, Chair
Dr. Umit Yapanel
Dr. Salih Dikbas
Mr. Haim Beliak
Dr. Saken Sherkhanov (alternate)

CEO and Superintendent

Mr. Alfredo Rubalcava

Committee Members Present

C. Brimmer, H. Beliak, S. Sherkhanov (remote), U. Yapanel (remote)

Committee Members Absent

S. Dikbas

I. Opening Items**A. Call the Meeting to Order**

C. Brimmer called a meeting of the Facility/Audit Committee of Magnolia Public Schools to order on Tuesday Jan 15, 2019 @ 5:34 PM.

B. Record Attendance and Guests

Refer to attendance information stated above.

C. Pledge of Allegiance

B. Torres, MPS Board Secretary, led the pledge of allegiance.

D. Public Comments

There were no public comments.

E. Approval of Agenda

H. Beliak made a motion to approve the agenda as presented.

C. Brimmer seconded the motion.

The committee **VOTED** unanimously to approve the motion.

Roll Call

S. Dikbas	Absent
S. Sherkhonov	Aye
H. Beliak	Aye
U. Yapanel	Aye
C. Brimmer	Aye

F. Approval of Minutes from Regular Facility Committee Meeting- December 5, 2018

C. Brimmer made a motion to approve minutes from the Regular Facilities/Audit Committee Meeting on 12-05-18 Regular Facilities/Audit Committee Meeting on 12-05-18.

H. Beliak seconded the motion.

The committee **VOTED** unanimously to approve the motion.

Roll Call

S. Dikbas	Absent
H. Beliak	Aye
S. Sherkhonov	Aye
C. Brimmer	Aye
U. Yapanel	Aye

II. Approval Recommendation

A. Approval Recommendation of Proto Wall Approval for MSA-1

Items II A and II B were discussed together. P. Ontiveros, MPS General Counsel and Facilities Director, gave a review of the change order titled PCI 17 for a new wall along the southern border of the MSA-1 property. C. Brimmer, MPS Facility Committee Chair, reminded committee members of the historic work that was approved by the board in the past and elaborated on what is being presented for approval today regarding this item. M. Sahin, MSA-1 Principal, informed the committee about the discussion he had with the neighbors of the MSA-1 site, he presented the various options to them and he explained why the first option was not acceptable and how the second option was approved by all the neighbors, conversations with neighbors started in August 2018. H. Beliak, MPS Facility Committee Member, asked if there was a way to better monitor the safety between the walls through extra lights or possible cameras. Staff stated that in the future these alterations would be possible based on budget and would look into what could be put in place. C. Brimmer, directed staff to get agreements in writing that state the neighbors agree with the upcoming changes, she recommended talking to the neighborhood counsel and get their approval along with a support letter from city counsel. The committee members requested to see a scope of work from V. Becerra before approving her contract extension that reflects

the work that has already been done and what would be in the proposed contract extension.

H. Beliak made a motion to table this item until different options are presented and there is additional information provided that supports the recommendation to make improvements to the school and the community and become partners with the various projects the city is proposing.

C. Brimmer seconded the motion.

The committee **VOTED** unanimously to approve the motion.

Roll Call

U. Yapanel Aye
S. Dikbas Absent
H. Beliak Aye
C. Brimmer Aye
S. Sherkhanov Aye

B. Approval Recommendation of Rabuild Commercial LLC (Land Use Consultant for MSA-1) Contract Extension

This item was discussed along with item II A, and elaborated briefly in this section. P. Ontiveros, MPS General Counsel & Facilities Director, explained the need for the extension of the Rabuild Contract, he explained his experience in working with them and how they have supported the MSA-1 projects. The committee recommended to postpone further discussion and approval of this item until the requested reports are provided. A. Rubalcava, MPS CEO & Superintendent, told the committee that he would work closely with staff to ensure the requested information be provided for this item and all following items that require board attention and approval. He also told the board the difficulties staff face when items need quick turn arounds along with board approvals and mentioned that he would work on a solution that addresses both matters.

C. Brimmer made a motion to postpone the approval of this item until further documentation is provided.

H. Beliak seconded the motion.

The committee **VOTED** unanimously to approve the motion.

Roll Call

S. Sherkhanov Aye
H. Beliak Aye
U. Yapanel Aye
C. Brimmer Aye
S. Dikbas Absent

III. Closed Session

A. Public Announcement of Closed Session

C. Brimmer, MPS Facility Committee Chair, announced that the committee would go into Closed Session to discuss one anticipated litigation matter and one labor negotiations matter.

B. Conference with Legal Counsel- Anticipated Litigation- One Matter

This item was discussed in Closed Session.

C. Personnel/Labor Negotiations: Price and Terms of Payment

This item was discussed in Closed Session.

D. Report Out From Closed Session

C. Brimmer, MPS Facility Committee Chair, reported out that no actions were taken during Closed Session.

IV. Possible Action Items After Closed Session

A. Approval of Settlement for MSA-1 Matter

Discussion and approval of this item was postponed for a future meeting.

B. Approval Recommendation of PrimeSource Contract

Discussion and approval of this item was postponed for a future meeting.

V. Information Items

A. Facility Updates

A written report was provided, there was no discussion on this item.

VI. Closing Items

A. Adjourn Meeting

There being no further business to be transacted, and upon motion duly made, seconded and approved, the meeting was adjourned at 8:30 PM.

Respectfully Submitted,
C. Brimmer

Cover Sheet

Approval of MPS Staff to Respond to Letter of Intent and Negotiate Purchase and Sale Agreement

Section: II. Facility Committee- Recommended Action Items
Item: A. Approval of MPS Staff to Respond to Letter of Intent and Negotiate
Purchase and Sale Agreement
Purpose: Vote
Submitted by:
Related Material: II A Action Item 12.9.20.pdf



Board Agenda Item #:	II A: Action Item
Date:	December 9, 2020
To:	MPS Facilities Board Committee
From:	Alfredo Rubalcava, CEO & Superintendent
Staff Lead:	Patrick Ontiveros, General Counsel & Director of Facilities
RE:	Letter of Intent for Sale of Portion of the MSA-1 High School Parking Lot

I. Proposed Recommendation(s)

The MPS Facilities Committee moves that the Board approve the following actions:

(1) the MPS CEO and Superintendent sign the non-binding letter of intent presented by the City of Los Angeles for the purchase by the City of a portion of the parking lot that serves the MSA-1 high school located at 18220 Sherman Way,

(2) the MPS Staff negotiate a final purchase and sale agreement for the property including, but not limited to, a fair and reasonable sales price and hire such vendors and consultants as may be needed, with such final agreement to be presented to the Committee and MPS Board of Directors for final approval prior to signature, and

(3) the MPS CEO and Superintendent sign any permits and requests required by the City of Los Angeles Planning Department to commence a lot line adjustment, subdivision or any other action that may be required to complete the purchase and sale transaction if approved by the MPS Board of Directors;

II. Background

A. General

For years, the City of Los Angeles has sought to build an ice and skating rink on the parcel of land immediately adjacent to the parcel of land that serves as the parking lot for the newly constructed high school building (the "Project"). See Exhibit A for a layout. The Project has remained dormant until recently when the City of Los Angeles, acting through Council Member Bob Blumenfield's office, took steps to use funds from various sources, in particular Proposition K, to construct the Project.



B. Prior Authorizations and Actions

Staff has previously reported to the MPS Board of Directors and Facilities Committee about the City's interest in purchasing a portion of the MSA-1 parking lot parcel in order to complete the Project. Most recently at its April 23, 2020 meeting the Board passed resolutions which provided among other things:

"...that the Board of Directors of MPS believes it is in the best interests of MPS and MSA-1 to investigate a possible sale of a portion of the MSA-1 Parking Lot Parcels to the City.

... that the Board of Directors of MPS directs MPS Staff to investigate the possibility of a sale of a portion of the MSA-1 Parking Lot Parcels to the City by reviewing among other things the impact of such a sale on the operations of MSA-1, including its parking.

... that the Board of Directors of MPS directs MPS Staff to determine a valuation for the land sought to be purchased by the City by, among other things, ordering an appraisal.

... that the Board of Directors of MPS directs MPS Staff to discuss with City representatives the possibility of MSA-1 having access to the completed City Project for the benefit of its students and staff."

C. Why the Current Approval is Needed

Staff desires to obtain the Board's approval to sign the City's nonbinding letter of intent so that it may continue discussing and negotiating a deal with the City. The LOI is non-binding which means that MPS may abandon the negotiations or not pursue the transaction if it deems it is not in its best interests to do so. As part of the negotiation, the City would like to receive MPS's cooperation to commence any land use applications that would be required to complete a transaction, such as a lot line adjustment or subdivision. Such action would not obligate MPS to do anything unless and until a transaction is consummated. Upon the successful negotiation of purchase and sale agreement, it would be presented to the Committee and the Board for final approval and signature.

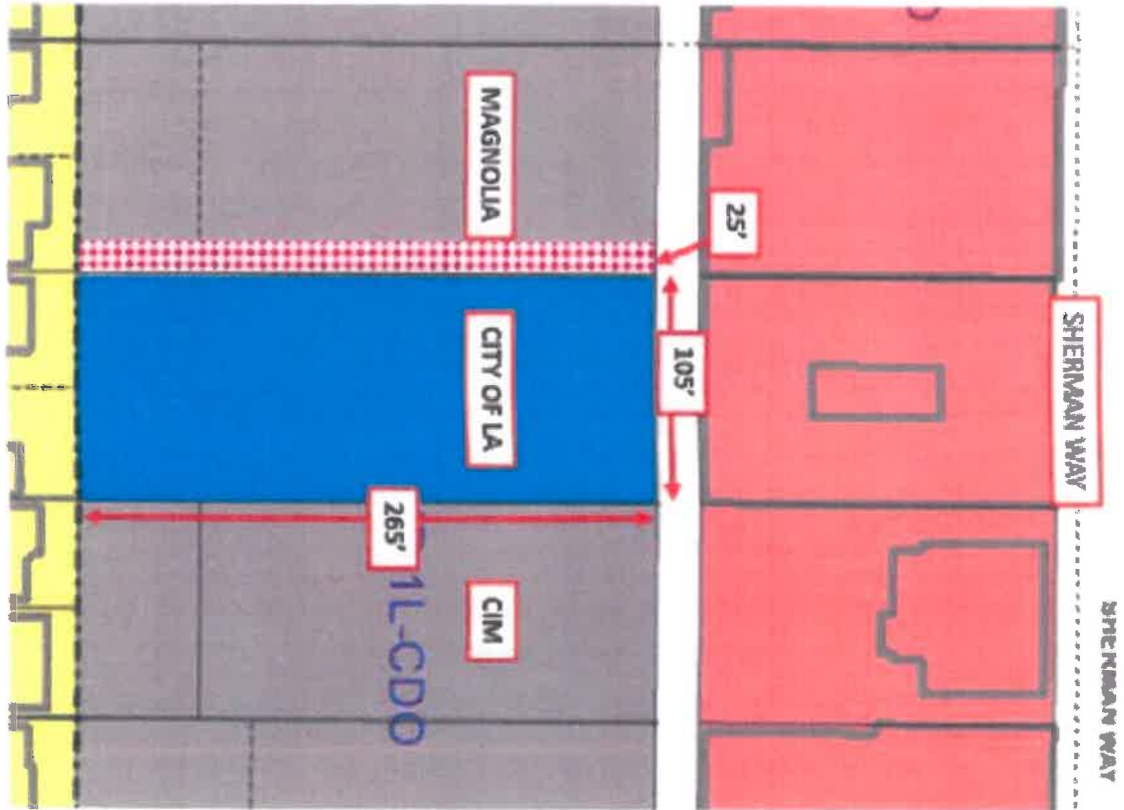
III. Budget Impacts



The final budget impacts will not be known until the terms and conditions of a sale a portion of the MSA-1 parking lot parcel to the City of Los Angeles.



Exhibit A

EXHIBIT A



-  What we would like to purchase
-  What we own





To: Magnolia Public Schools
From: Patrick Ontiveros, MPS General Counsel
Date: 12/4/2020

RE: Approval of MPS Staff to Respond to Letter of Intent and Negotiate Purchase and Sale Agreement

Magnolia Public Schools (MPS) Chief Executive Officer and MPS General Counsel acknowledge that they have read and reviewed the contract/memorandum pertaining to the above matter.

A handwritten signature in black ink that reads "Patrick Ontiveros".

Patrick Ontiveros
MPS General Counsel

12/4/2020

Date

A handwritten signature in black ink that reads "Alfredo Rubalcava".

Alfredo Rubalcava
MPS CEO & Superintendent

12/4/2020

Date

Cover Sheet

Approval of MSA-1 Franco Architects Design Contract

Section: II. Facility Committee- Recommended Action Items
Item: B. Approval of MSA-1 Franco Architects Design Contract
Purpose: Vote
Submitted by:
Related Material: II B Action Item 12.9.20.pdf



Facilities Committee

Agenda Item #:

II B: Action Item

Date:

December 9, 2020

To:

MPS Facilities Board Committee

From:

Alfredo Rubalcava, CEO & Superintendent

Staff Lead:

Patrick Ontiveros, General Counsel & Director of Facilities

RE:

Approval of MSA-1 Design Contract for Capital Improvement Projects

I. Proposed Recommendation(s)

The Facilities Committee recommends and moves that the Board approve the architect agreement from Franco Architects Inc. for design and engineering services for certain capital improvement projects (collectively, the "**Project**") at Magnolia Science Academy—1 ("**MSA-1**").

II. Background

MSA-1 filed for and received a zone change for its parking lot parcels from the City of Los Angeles. The parcels are illustrated in Exhibit A. As a condition to the zone change, MSA-1 agreed to make certain improvements to the parcel that serves the MSA-1 middle school building. The improvements are illustrated by Exhibit B. They include the following: (1) the fixing of drainage on the middle school parking lot; (2) the creation of an open green space and a concrete pad with a solar shade; (3) fencing surrounding the entire MSA-1 parking lot parcels; (4) the creation of a track; and (5) the installation of modular outdoor restrooms. MSA-1 wishes to undertake these improvements because it will assist the school during the current pandemic to allow for activities to take place outside. Looking to the future, having a good recreation and outdoor space will benefit the students and may in fact attract more students to the campus.

In addition MSA-1 would like to use Franco Architects Inc.'s services to (1) obtain permits for the construction of the block wall at the back of the middle school parking lot and (2) modify the first floor interior of the middle school building to be level (the middle of the first floor is sunk as compared to the rest of the first floor; see pictures attached as Exhibit C). The block wall at the rear of the middle school parking lot is required to be constructed under a settlement agreement with the neighbors who share the wall. MSA-1 would like to make the first floor level in order to increase the utility of the space.



III. Procurement

Franco Architects Inc. was the architect for the MSA-1 high school building which included the redesign of the grading and drainage on the parking lot serving the high school building. Since part of the reason for undertaking these capital improvement projects is to assist the school in providing a safe learning environment for children in the current pandemic, Staff did not issue a formal RFP relying instead on the CEO's emergency powers to forego normal processes when he deemed it advisable or necessary in the current pandemic environment. Franco Architects Inc. is an architecture firm that has served the charter school sector for well over a decade. Of the architects that MPS has used in the past, Staff believes that Franco Architects Inc.'s fees are the most competitive. Therefore, MPS elected to use their services upon approval of the Facilities Committee and the Board.

Upon completion of the design, Staff will issue an RFP for general contractors to complete the work.

IV. Budget Impacts

The total cost of the design and engineering services is for a fixed fee of \$58,000. MSA-1 expects to pay the fees from its operational budget. MPS expects that MSA-1's current budget will increase when its increased enrollment is accepted. The cost of the design fees will not have a material negative impact on MSA-1's budget.



Exhibit A

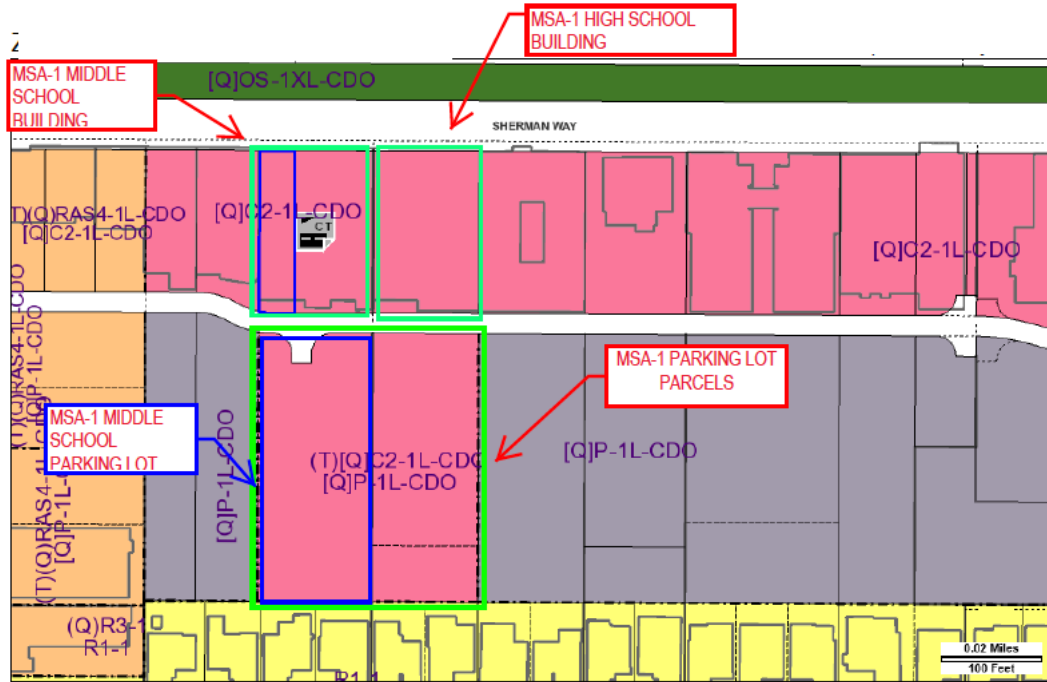




Exhibit B

Site Plan

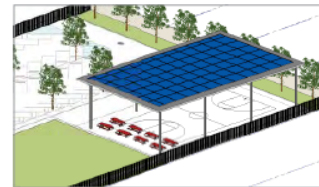
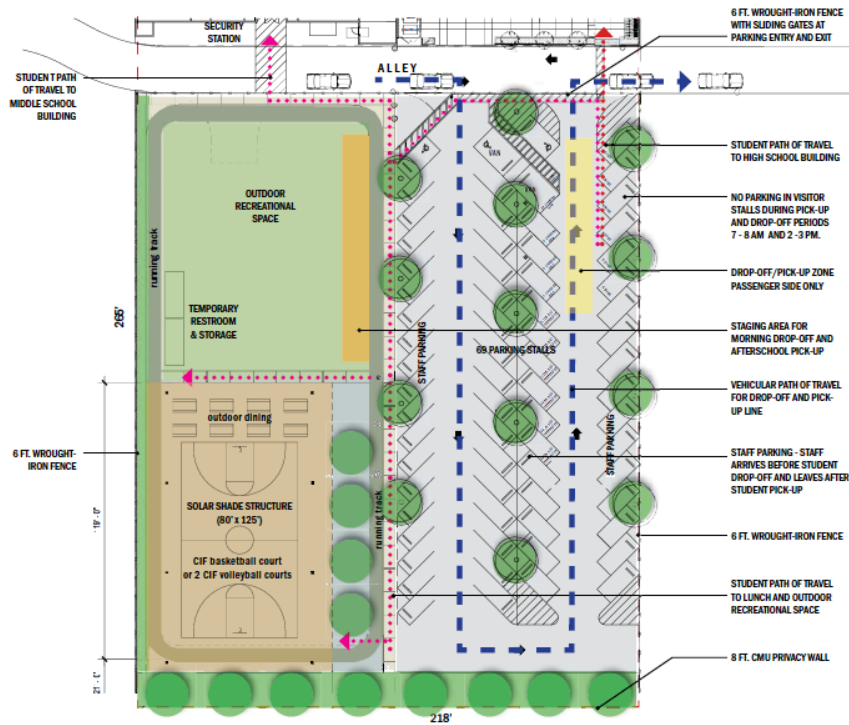
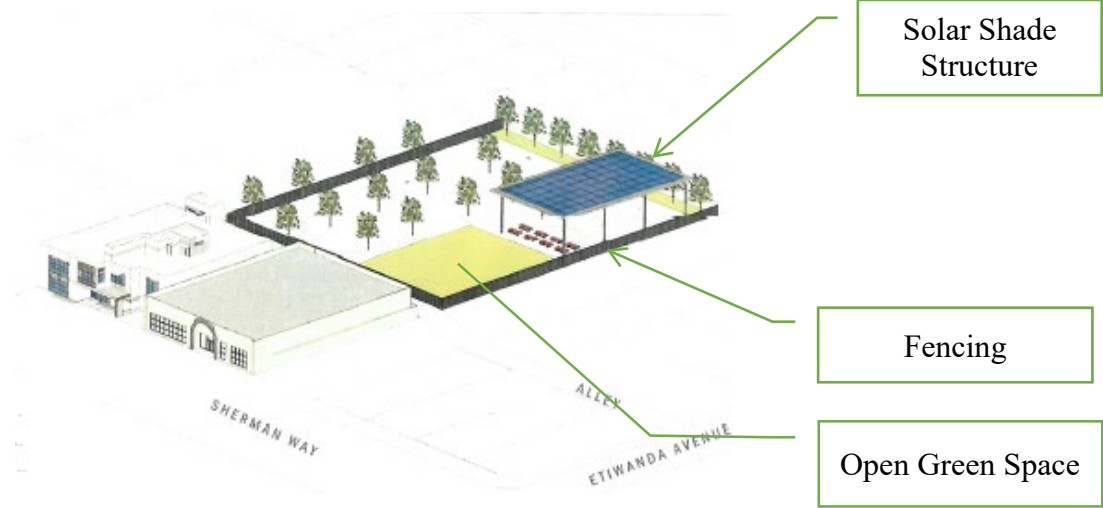
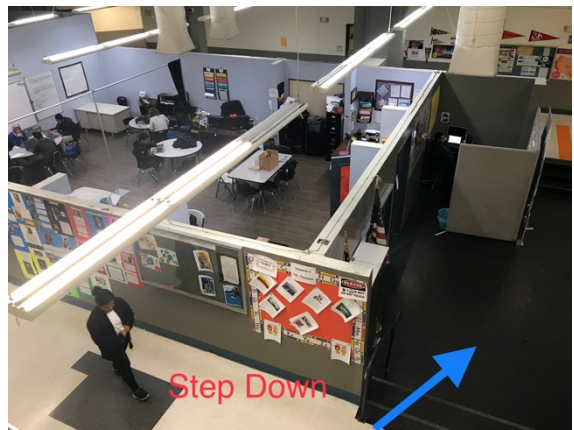
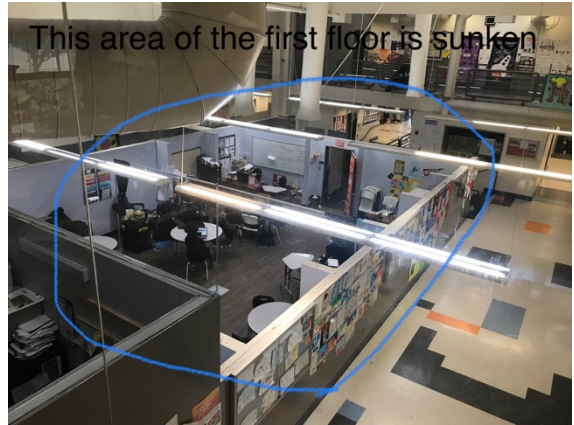




Exhibit C





To: Magnolia Public Schools
From: Patrick Ontiveros, MPS General Counsel
Date: 12/4/2020

RE: Approval of MSA-1 Franco Architects Design Contract

Magnolia Public Schools (MPS) Chief Executive Officer and MPS General Counsel acknowledge that they have read and reviewed the contract/memorandum pertaining to the above matter.

A handwritten signature in black ink that reads "Patrick Ontiveros".

Patrick Ontiveros
MPS General Counsel

12/4/2020

Date

A handwritten signature in black ink that reads "Alfredo Rubalcava".

Alfredo Rubalcava
MPS CEO & Superintendent

12/4/2020

Date