



Facilities Committee Agenda Item #:	II F – Consent Item
Date:	January 17, 2019
To:	MPS- Facility Committee
From:	Alfredo Rubalcava, CEO & Superintendent
Staff Lead:	Patrick Ontiveros, General Counsel & Director of Facilities
RE:	Extension of Rabuild Commercial LLC (Entitlements Consulting) Contract

I. Proposed Committee Recommendation(s)

Staff moves that the full Board of Directors of MPS (the “**MPS Board**”) approve a contract extension for Rabuild Commercial LLC (“**Consultant**”) to continue providing land use and entitlement services on the MSA-1 project for a total amount not to exceed \$50,000, a \$25,000 increase to the current \$25,000 not to exceed amount approved by the MPS Board.

II. Background

A. Project Description

MPS contracted with Consultant to assist with the violations of the zone variance^[1] and to redo the zone variance to include the additional measures needed to expand the school. Specifically, Consultant was tasked with (a) modifying the current zoning variance to reconcile conflicts between the zoning variance requirements and the changed school size and composition; (b) obtaining zoning permission for the longterm master plan; and (c) addressing the newly imposed Planning department requirements. Consultant’s contract is attached as Exhibit A. In order to move forward with the new construction project for MSA-1, it was necessary to deal with the school’s non-compliance with the conditions of approval for its existing zone variance.

The Facilities Committee approved Consultant at its October 5, 2017 meeting to provide services for the MSA-1 project and the MPS Board approved the contract with Consultant its October 12, 2017 Board Meeting. At the October 12, 2017 Board meeting, the Consultant’s contract was approved with a not to exceed amount of \$25,000. See Exhibit B.

Consultant’s responsibilities evolved over time and it became clear that another zone variance would not suffice to meet the School’s long-term plans. Ultimately the Consultant and MPS staff agreed that MPS should seek a zone change for MSA-1 in lieu of a zone variance. Such strategy was communicated in various board reports.

[1] Note:

A “zone variance” is a permit issued to a landowner by an administrative agency to allow the building of a structure or use of a property that is not otherwise allowed under the current zoning regulations.



B. Services Provided to Date

Consultant's services to date have included the following:

(1) MSA-1 was facing issues with the Community Development Overlay ("CDO") which prohibited the construction of the new high school building to move forward until the CDO was issued. Consultant worked with the project architect and the City Planning to resolve the issue and limiting additional conditions or changes so the school construction could move forward.

(2) Conferring with City officials regarding the zone change application and the preparation of all materials required for the zone change application.

(3) Conferring with City officials regarding the possibility of partnership with the abutting property upon which the City has indicated it wants to build an ice rink.

(4) In addition to the foregoing, Consultant's assistance was critical in getting the Planning Department to allow MSA-1 to occupy the temporary space at The Bridge Bible Fellowship. Initially the City Building and Safety office would not provide a Certificate of Occupancy that was acceptable to MSA-1's authorizer, the Los Angeles County Office of Education ("LACOE"). On short notice, Consultant stepped in to help MSA-1 get the required Certificate of Occupancy allowing MSA-1 to occupy the temporary space.

Consultant is ready to submit the zone change application.

C. Increase in Contract Not to Exceed Amount

An extension and fee increase limit is needed in order to keep Consultant working on the zone change and carry it through to a successful completion. Consultant has assembled the zone change application and is intimately familiar with the challenges that must be overcome to bring it to a successful completion.

III. Budget Impacts

The extension of the Consultant contract will not have an impact on the MSA-1 New Construction Project budget. The budget previously approved by the Board includes a line item of \$50,000 for land use consultant services so even with a contract extension the line item remains under the amount budgeted by MPS staff.

Exhibits (attachments):

- A. Rabuild Commercial LLC Contract
- B. October 12, 2017 Regular Board Meeting Minutes and Agenda



Exhibit A

Rabuild Commercial and MPS Agreement

[1] Note:

A “zone variance” is a permit issued to a landowner by an administrative agency to allow the building of a structure or use of a property that is not otherwise allowed under the current zoning regulations.

Rabuild Commercial Services LLC
449 West Foothill Blvd. Suite 157
Glendora, CA 91741
213 272-4784
vbcommercial@outlook.com

October 18, 2017

Timothy Buresh
Tim.buresh@primesourcepm.com
18238 Sherman Way
Reseda, CA 91335

Re: Engagement Agreement to obtain Discretionary City and County Approvals
for Real Estate Entitlements related to the property APN# 2125-036-021 and
APN# 2125-036-105, known as,

18216-18220 W. Sherman Way, Los Angeles, CA 91336

Dear Mr.Buresh,

Thank you for your interest in using Rabuild Commercial Services LLC, to serve you.

This letter is to set forth and confirms that [Magnolia Science Academy 1 Reseda Campus](#), have engaged Rabuild Commercial Services LLC to provide consulting services to you for the administration of Governmental Relations, and Entitlement/Land Use process related to the above mentioned property.

This work will be performed at our regular hourly rates, which vary between \$65.00 per hour to \$220.00 per hour, depending upon the individual doing the work and the type of work required, see attached Rate Exhibit for breakdown. Our time is calculated in increments of 15 minutes. All telephone calls have a minimum time allocation of 15 minutes. In addition to the charges for time, you will be billed for all costs as they are incurred, including photocopying, parking, messenger service, postage and similar cost items. These items will be billed at cost. Permits will be billed back to the client at cost. We try to use professionals within the company that can do an assigned part of the project for the most effective overall lowest cost to you. Therefore, usually more than one person is involved in a project such as yours. Time is charged when more than one person may be present at any time, such as in a conference. However, I will have primary responsibility for this matter and the others will, in effect, be assisting me.

Because of the nature of your project, we cannot estimate the total charges for fees. If there is any work done for you, which is not covered by this Fee Agreement and not covered by another Fee Agreement, we will contact you and request permission to continue the necessary work, that work will be billed at our customary hourly rates then in effect plus reimbursable costs.

Improper Performance of Contractors and Suppliers

Rabuild Commercial Services LLC shall not have control or charge, and shall not be responsible for, the design, means, methods, techniques, sequences or procedures of construction, fabrication, shipment, delivery or installation, or for the safety precautions or programs in connection with the work to be performed for any aspect of this Project, or any aspects of work done in association with the Owner's development on the Property, including the acts or omissions of any designers, architects, contractors, subcontractor suppliers, or any other persons performing any of the work, or for the failure of any of them to carry out the work in a proper manner. Rabuild Commercial Services LLC, only duties pursuant to this agreement are to facilitate Owner as described.

This fee agreement will not take effect, and Rabuild Commercial Services, LLC will have no obligation to provide consulting services, until this agreement is executed and the initial fee or retainer is paid.

Indemnification

[Magnolia Science Academy 1 Reseda Campus](#), agrees to indemnify and defend against, and to hold Rabuild harmless from, any and all liability, loss or damage that Rabuild Commercial Services LLC may incur as a result of any claims associated with the Project.

We cannot represent the result of our efforts will be successful in whole or in part. While we agree to use our best efforts in your representation, nothing in this Fee Agreement and nothing in our statement(s) to you will be construed as a promise or guarantee about the outcome of your matter, and we make no such promise or guarantees. Our comments about the outcome of your matter are the expression of opinion only.

Primarily, time spent and hourly rates are used in the preparation of the bills. There are times however, when other factors need to be considered, such as the difficulty of the work, the expertise required, the time constraints, etc.

We will render billings to you on a monthly basis. You will have an obligation to pay the bills rendered by this office within thirty (30) days from billing. All fees not paid within thirty (30) days of billing will bear interest at the rate of 10% per annum. In the event of arbitration over a fee dispute, such arbitration shall be heard in Los Angeles, California. In the event any arbitration or court action may be brought under

this Fee Agreement, it is agrees that any such action may be brought in any court in the State of California and any award or judgment shall include attorneys' fees and courts.

If there is any unresolved disagreement over our fees, you will have the option of arbitrating such agreement. The arbitration can be binding or non-binding. We are willing to agree in advance that any such arbitration will be binding on either party.

Any additional services we perform for you and your various entities, unless separately agreed to, will be performed under all the terms and conditions set forth above.

Our agency/consulting client relationship is one of mutual trust and confidence. We do our best to see that our clients are satisfied not only with our services but also with the fees charged for those services. Whenever you have any questions or comments regarding our services, or the status of your files, or whenever any new facts or considerations come to your attention, you should contact me or any other consultant or agent with whom you are working. We encourage you to inquire about any matter relating to our fee arrangements or monthly statements that are in any way unclear.

It is important to our agency/consultant relationship that any questions you have about our billings to you be resolved while the matter is fresh on all our minds. Therefore, you agree that you will have thirty (30) days after the delivery of a bill to you to make objections or questions any of the items on the bill. Absent any such objection or question, you will be deemed to have accepted the items on the bill and to have admitted to their accuracy and to your obligation to pay the total shown on such bill.

Please indicate your agreement to the above by signing and returning the attached copy of this letter. We are requesting a retainer, payable now, in the amount of \$3,500.00 to be applied against fees and costs.

Sincerely,

Rabuild Commercial Services LLC

Veronica Becerra
California State License 00826816

Acknowledged:  Dated: 11/08/17
Magnolia Public Schools
Caprice Young - CEO

Rate Exhibit

Principal	\$220.00 per hour
Assistant Planners	\$200.00 per hour
Expediting Assistants	\$165.00 per hour
Planning Assistants	\$165.00 per hour
Project Managers	\$ 95.00 per hour
Assistants	\$ 65.00 per hour

*Based on average difficulty our hourly billing excluding reimbursable charges will not exceed the sum of \$15,000.00 for the services to obtain discretionary approvals related to the required zone variances for the subject property.

Any appeal cases will be considered a new case.

Scope of Work

A. Zoning, Land Use and Entitlement Analysis

- Review, research and consult on all documents and plans related to the project.
- Consult with all members of the development team as needed.
- Determine use and verify zoning. Meet with City of Los Angeles Planning and Building and Safety, BOE and Land Development Staff for a preliminary review of proposed project.
- Review and summarize key zoning restrictions.

B. Governmental Relations

- Meet with City Officials, Councilmembers and Agencies to determine feasibility of project.
- Meet with community groups, property owners and other parties, including City Agencies to present project and generate support.

C. Entitlements

- Coordinate all documents needed for the submittal of all planning applications, including coordination with all members of the development team.
- File all planning applications, including but not limited to Variances, Conditional Use and or Zone Changes.
- Attend all hearings associated with the various applications.
- Clear all conditions required for final approval of discretionary requests.



Exhibit B

Minutes of the October 12, 2017 Regular Board Meeting of Magnolia Public Schools

[1] Note:

A “zone variance” is a permit issued to a landowner by an administrative agency to allow the building of a structure or use of a property that is not otherwise allowed under the current zoning regulations.



Magnolia Public Schools

Regular Board Meeting

Amended on October 11, 2017 at 4:42 PM PDT

Date and Time

Thursday October 12, 2017 at 6:00 PM PDT

Location

MSA 4: 11330 W. Graham Place, Los Angeles, CA 90064

Access to the Board Meeting: Any interested parties or community members from remote locations may attend the meeting at the following school sites or the addresses where the Board members are joining the meeting from:

Call In- Dial: 1.844.572.5683 Code: 1948435

- MSA-3 1254 East Helmick St. Carson, CA 90746
- MSA-7 18355 Roscoe Blvd. Northridge, CA 91325
- MSA-SA 2840 W. 1st St. Santa Ana, CA 92703
- MSA-SD 6525 Estrella Ave. San Diego, CA 92120 (Dr. Salih Dikbas)
- 819 Phillips Lane Louisville Kentucky, 40209 (Ms. Diane Gonzalez)
- 1363 Ridgecrest Rd Pinole CA 94564 (Mr. Serdar Orazov)

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, please notify Barbara Torres at (213) 628-3634 x100 to make arrangements and accommodate your disability.

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

Board Members:

Dr. Saken Sherkanov, Chair
Mr. Serdar Orazov, Treasurer
Dr. Salih Dikbas
Dr. Remzi Oten
Ms. Diane Gonzalez
Mr. Haim Beliak
Ms. Charlotte Brimmer
Ms. Sandra Covarrubias

Renewing Board Members:

Mr. Nguyen Huynh

Dr. Umit Yapanel, Secretary

CEO & Superintendent:
Dr. Caprice Young

Notice of Closed Session Agenda Items

Due to space limitations on the following pages of the agenda, notice of closed session agenda items is provided here.

V. A. Conference with Legal Counsel—Anticipated Litigation

Significant exposure to litigation pursuant to paragraph (2) or (3) of subdivision (d) of Section 54956.9: three cases

Agenda

	Purpose	Presenter	Duration
I. Opening Items			
A.	Call the Meeting to Order		
B.	Record Attendance and Guests		
C.	Pledge of Allegiance		1
D.	Public Comments		20
E.	Approval of Agenda	Vote	1
F.	Approval of Amended Minutes from Special Board Meeting- August 10, 2017	Approve Minutes	1
G.	Approval of Amended Minutes from Special Board Meeting- September 7, 2017	Approve Minutes	1
H.	Approval of Minutes from Regular Board Meeting- September 14, 2017	Approve Minutes	1
I.	Approval of Minutes from Special Ad-Hoc Committee (MSA SD Facility) Meeting- September 19, 2017	Approve Minutes	1
II. Consent Items			
A.	Approval of 2017-18 Compliance Monitoring and Certification of Board Compliance Review for MSA-4-8	Vote David Yilmaz	
B.	Resolution to Adopt LAUSD's Suicide Prevention Policy for Co-located Sites	Vote David Yilmaz	
C.	Approval of Revisions to Staff Evaluation Protocols	Vote Personnel Committee	
D.	Approval of Certification of Signatures Form for Charter School Funds Distribution Authorization	Vote Nanie Montijo	
E.	Approval of Ratification of the Facility Use Agreement Between MCN and MSA-SD	Vote Facility Committee	10
F.	Proposed Conflict of Interest Code (COI) through Fair Political Practices Commission	Vote Suat Acar	5

III. Action Items

A. Delegation of Agreements for General Contractor and Inspector on Record for the MSA-SA Gym Project	Vote	Erdinc Acar	10
B. MSA-8 Bell Internet Service and Firewall, Web Filtering Services Using Long Term Reserve	Vote	Rasul Monoshev	10
C. Approval of 2016-17 Unaudited Actuals for all MPS	Vote	Kristin Dietz	5
D. Approval of SIS Contract with CoolSIS through August 2018.	Vote	David Yilmaz	5
E. MSA 1 Zone Variance Application RFP Winning Bid Announcement	Vote	Suat Acar	10
F. Approval of Scope Changes for MSA-SA Gym/Cafeteria Construction Project	Vote	Facility Committee	
G. MSA 1 Change Order to Franco Architects to Resolve Site Issues and Support Master Planning	Vote	Facility Committee	
H. Addition of a Director of Facilities/ General Counsel to 2017-18 Budget	Vote	Caprice Young	10
I. Approval of Board of Director Membership Renewals	Vote	Nominating Committee	5
J. Approval of Addendum to Schools in Action Services for 2017-18	Vote	David Yilmaz	5

IV. Discussion Items

A. Proposal of Creation of the MPS Board Advisory Committee	Discuss	Nominating/ Gov Committee	10
B. Update on STRS Adjustments for all MSA- San Diego	Discuss	Nanie Montijo	10
C. Financial Update- August 2017	Discuss	Kristin Dietz	10

V. Closed Session Items

A. Conference with Legal Counsel— Anticipated Litigation: Three Cases	Discuss	Caprice Young	20
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VI. Closing Items

A. Adjourn Meeting	Vote		
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APPROVED



Magnolia Public Schools

Minutes

Regular Board Meeting

Date and Time

Thursday October 12, 2017 at 6:00 PM

Location

MSA 4: 11330 W. Graham Place, Los Angeles, CA 90064

Board Members who participated remotely joined from the following locations:

- MSA-SD 6525 Estrella Ave. San Diego, CA 92120 (Dr. Salih Dikbas)
- 819 Phillips Lane Louisville, Kentucky 40209 (Ms. Diane Gonzalez)
- 1363 Ridgecrest Rd Pinole, CA 94564 (Mr. Serdar Orazov)

Board Members:

Dr. Saken Sherkhanov, Chair
Mr. Serdar Orazov, Treasurer
Dr. Salih Dikbas
Ms. Diane Gonzalez
Mr. Haim Beliak
Ms. Charlotte Brimmer
Ms. Sandra Covarrubias

Renewing Board Members:

Mr. Nguyen Huynh
Dr. Umit Yapanel, Secretary

CEO & Superintendent:

Dr. Caprice Young

Notice of Closed Session Agenda Items

Due to space limitations on the following pages of the agenda, notice of closed session agenda items is provided here.

V. A. Conference with Legal Counsel—Anticipated Litigation

Significant exposure to litigation pursuant to paragraph (2) or (3) of subdivision (d) of Section 54956.9: three cases

Directors Present

C. Brimmer, D. Gonzalez (remote), H. Beliak, N. Huynh, S. Covarrubias, S. Dikbas (remote), S. Orazov (remote), S. Sherkhanov, U. Yapanel

Directors Absent

None

Directors Arrived Late

D. Gonzalez, S. Dikbas

I. Opening Items

A. Call the Meeting to Order

S. Sherkhanov called a meeting of the board of directors of Magnolia Public Schools to order on Thursday Oct 12, 2017 @ 6:15 PM at MSA 4: 11330 W. Graham Place, Los Angeles, CA 90064.

B. Record Attendance and Guests

Board members who participated remotely, joined from the locations stated above. D. Gonzalez participated briefly during the Closed Session discussion, she did not vote or participate in any other part of the meeting. N. Huynh's and U. Yapanel's board terms were renewed as the first action item of this meeting, these two board members voted on all actions items and consent items, they did not vote on items under the Opening Items section. S. Dikbas arrived at 7:12 pm, he did not vote on items under Consent Agenda, refer to individual votes for more details.

C. Pledge of Allegiance

B. Torres, Executive Assistant, led the Pledge of Allegiance.

D. Public Comments

C. Brimmer, MPS Board Member, reported out that she has visited almost all the MSA schools, she presented her concerns for the schools including trash bin issues. S. Sherkhanov, Board Chair, announced that Board Member, R. Oten has resigned effective October 5, 2017. C.Young, CEO of MPS, announced that she would like to initiate an event where current and past MPS Board Members are recognized for their dedication to MPS. No other public comments were made.

E. Approval of Agenda

S. Sherkhanov made a motion to approve the agenda as presented.

C. Brimmer seconded the motion.

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

F. Approval of Amended Minutes from Special Board Meeting- August 10, 2017

S. Sherkhanov made a motion to approve the amended minutes from the Special Board Meeting on 08-10-17.

H. Beliak seconded the motion.

The board **VOTED** to approve the motion.

Roll Call

C. Brimmer Aye

S. Sherkhanov Aye

N. Huynh Aye

U. Yapanel Aye
H. Beliak Aye
S. Covarrubias Aye
D. Gonzalez Absent
S. Dikbas Absent
S. Orazov Abstain

G. Approval of Amended Minutes from Special Board Meeting- September 7, 2017

S. Sherkhanov made a motion to approve the amended minutes from the Special Board Meeting on 09-07-17.

H. Beliak seconded the motion.

The board **VOTED** to approve the motion.

Roll Call

N. Huynh Aye
S. Covarrubias Aye
U. Yapanel Aye
H. Beliak Aye
S. Sherkhanov Aye
D. Gonzalez Absent
S. Orazov Abstain
S. Dikbas Absent
C. Brimmer Aye

H. Approval of Minutes from Regular Board Meeting- September 14, 2017

S. Sherkhanov made a motion to approve minutes from the Regular Board Meeting on 09-14-17.

H. Beliak seconded the motion.

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

I. Approval of Minutes from Special Ad-Hoc Committee (MSA SD Facility) Meeting- September 19, 2017

H. Beliak made a motion to approve minutes from the Special Ad Hoc Committee Meeting on 09-19-17.

C. Brimmer seconded the motion.

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

II. Consent Items

A. Approval of 2017-18 Compliance Monitoring and Certification of Board Compliance Review for MSA-4-8

S. Sherkhanov made a motion to approve this item under Consent Agenda.

S. Orazov seconded the motion.

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

B. Resolution to Adopt LAUSD's Suicide Prevention Policy for Co-located Sites

C. Brimmer commented that MPS schools should have suicide awareness advertisement on campuses to make students, staff and visitors alert of possible issues.

S. Sherkhanov made a motion to approve this item under Consent Agenda.

S. Orazov seconded the motion.

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

C. Approval of Revisions to Staff Evaluation Protocols

S. Sherkhanov made a motion to approve this item under Consent Agenda.

S. Orazov seconded the motion.

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

D. Approval of Certification of Signatures Form for Charter School Funds Distribution Authorization

S. Sherkhonov made a motion to approve this item under Consent Agenda.
S. Orazov seconded the motion.
The board **VOTED** unanimously to approve the motion.

E. Approval of Ratification of the Facility Use Agreement Between MCN and MSA-SD

This item was pulled from Consent Agenda for further discussion. E. Acar, South Regional Director, explained the need to extend the lease agreement between Mission Church of Nazarene and MSA- San Diego. He explained that this was an unexpected expense because the school did not open on the original scheduled date. He addressed Board Member questions.

H. Beliak made a motion to authorize the CEO and Superintendent of MPS, to negotiate and sign the contract extension regarding the facility use agreement between Mission Church of Nazarene (MCN) and MSA-SD through October 31, 2017.

U. Yapanel seconded the motion.

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

Roll Call

N. Huynh	Aye
S. Covarrubias	Aye
C. Brimmer	Aye
S. Sherkhonov	Aye
D. Gonzalez	Absent
S. Dikbas	Absent
S. Orazov	Aye
H. Beliak	Aye
U. Yapanel	Aye

F. Proposed Conflict of Interest Code (COI) through Fair Political Practices Commission

S. Sherkhonov made a motion to approve this item under Consent Agenda.
S. Orazov seconded the motion.
The board **VOTED** unanimously to approve the motion.

III. Action Items

A. Delegation of Agreements for General Contractor and Inspector on Record for the MSA-SA Gym Project

E. Acar, South Regional Director, explained to the board the need to delegate approval of the General Contractor of Record and Inspector of Record Services for MSA Santa Ana. He went over the bid and project timelines. E. Acar, explained the original project for this site and how the gym construction became a separate project from the school building. M. Lengyel, Senior Project Manager from Gafcon added additional information regarding the two different projects and he mentioned that the project has been reviewed and approved by DSA. E. Acar, elaborated the importance of adding a gym to the campus including a student enrollment increase and improvement of the current lunch area. The Board agreed to hold a Special Meeting for approval of this item, no AdHoc committee was created.

S. Sherkhonov made a motion to delegate the approval selection of General Contractor and Inspector of Record Services for MSA Santa-Ana Phase II Gymnasium and Cafeteria construction Project and other issues that may arise at

the MSA Santa Ana facility to a Special Board Meeting of the MPS Board of Directors.

C. Brimmer seconded the motion.

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

Roll Call

S. Orazov Aye
 S. Sherkhanov Aye
 N. Huynh Aye
 S. Covarrubias Aye
 H. Beliak Aye
 U. Yapanel Aye
 D. Gonzalez Absent
 S. Dikbas Absent
 C. Brimmer Aye

B. MSA-8 Bell Internet Service and Firewall, Web Filtering Services Using Long Term Reserve

R. Monoshev, IT Director, presented the MSA- 8 Bell Internet Service and Firewall Web Filtering Services Using Long Term Reserve. He explained how this cost would be funded. S. Orazov, Board Member, asked if the cost could be capitalized, staff agreed to verify this. C. Brimmer, Board Member, told staff that MPS should negotiate with LAUSD for payment, staff informed Board Members that they have already met with LAUSD staff and the report presented is the final outcome. The Board would want to know what were the negotiations and steps taken to address this issue before they approve the cost. K. Jackson, Chief Academic Officer, requested that committee members collaborate with staff in similar items as the one presented so that committees can hear from staff all the details needed for recommended approvals. C. Brimmer requested that Board Member attend more of the negotiating meetings when possible to show support to staff and authorizers.

S. Sherkhanov made a motion to table the approval of MSA-8 Bell Internet Service and Firewall, Web Filtering Services Using Long Term Reserve until the next regular board meeting but if there is an emergency action needed, the board delegates approval of this item to an Ad Hoc committee made up of 3 board members based on their availability. .

H. Beliak seconded the motion.

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

Roll Call

S. Dikbas Absent
 S. Covarrubias Aye
 N. Huynh Aye
 S. Orazov Aye
 U. Yapanel Aye
 S. Sherkhanov Aye
 C. Brimmer Aye
 D. Gonzalez Aye
 H. Beliak Aye
 S. Dikbas arrived late.

C. Approval of 2016-17 Unaudited Actuals for all MPS

The 2016-17 Unaudited Actuals for all MPS were presented and discussed during the September Regular MPS Board Meeting. K. Dietz from Edtec, was present in person and addressed Board member questions.

S. Orazov made a motion to approve the 2016-17 Unaudited Actuals for all MPS.

N. Huynh seconded the motion.

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

Roll Call

C. Brimmer Aye
S. Dikbas Absent
D. Gonzalez Aye
S. Covarrubias Aye
U. Yapanel Aye
N. Huynh Aye
S. Sherkhanov Aye
S. Orazov Aye
H. Beliak Aye

D. Approval of SIS Contract with CoolSIS through August 2018.

D. Yilmaz, Chief Accountability Officer, presented the SIS contract with Coolsis to the Board. He informed the board that this expense was budgeted and that MPS staff have been working with Coolsis and Illuminate to create a schedule and a transition plan. D. Yilmaz explained the enhancements between the two SIS programs and told the Board that there will be an admin/office managers training and a students/teachers/parents training for the transition to run smoothly.

S. Sherkhanov made a motion to approve the SIS Contract with CoolSIS through August 2018.

S. Orazov seconded the motion.

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

Roll Call

S. Orazov Aye
D. Gonzalez Absent
N. Huynh Aye
U. Yapanel Aye
H. Beliak Aye
S. Sherkhanov Aye
S. Dikbas Aye
C. Brimmer Aye
S. Covarrubias Aye

E. MSA 1 Zone Variance Application RFP Winning Bid Announcement

S. Acar, Chief Operations Officer, explained the MSA 1 Zone Variance Application RFP Winning Bid Announcement item to the Board. Staff is trying to find historical information to understand what has happened in the past and address those issues. T. Buresh, Construction Manager from PrimeSource joined the meeting remotely, he explained his concerns regarding the dining area for the students. He also informed the Board of the possibility of acquiring an additional third building for MSA-1. Questions were addressed by staff and T. Buresh.

H. Beliak made a motion to approve the MSA-1 Zone Variance winning RFP bid to the vendor Rabuild Commercial LLC.

U. Yapanel seconded the motion.

The board **VOTED** to approve the motion.

Roll Call

H. Beliak Aye
U. Yapanel Aye
C. Brimmer No
S. Sherkhanov No
D. Gonzalez Absent
S. Covarrubias Aye
S. Orazov Aye
S. Dikbas Aye

N. Huynh Aye

F. Approval of Scope Changes for MSA-SA Gym/Cafeteria Construction Project

Discussion of this item took place during the discussion of item III A Delegation of Agreements for General Contractor and Inspector on Record for MSA-SA Gym Project.

H. Beliak made a motion to accept the scope changes in the MSA-SA Gym and Cafeteria project as outlined in Architect's work authorization and authorize the MPS CEO to negotiate and approve the Architect's work proposal for design changes.

U. Yapanel seconded the motion.

The board **VOTED** to approve the motion.

Roll Call

N. Huynh Aye
D. Gonzalez Absent
S. Sherkhanov No
S. Orazov Aye
C. Brimmer No
H. Beliak Aye
U. Yapanel Aye
S. Covarrubias Aye
S. Dikbas Aye

G. MSA 1 Change Order to Franco Architects to Resolve Site Issues and Support Master Planning

C. Young, Chief Executive Officer, explained the MSA 1 Change Order to Franco Architects to Resolve Site Issues and Support Master Planning. T. Buresh from Prime Source joined the meeting remotely, he elaborated on the project and explained what had to take place for the project to move forward in a timely manner. The original construction project was discussed along with the new plan and funding sources.

S. Sherkhanov made a motion to approve the change order of Franco Architects to resolve site issues and support master planning of MSA-1 Construction not to exceed \$25,000.

N. Huynh seconded the motion.

The board **VOTED** to approve the motion.

Roll Call

S. Covarrubias Aye
S. Orazov Aye
C. Brimmer No
N. Huynh Aye
S. Dikbas Aye
D. Gonzalez Absent
S. Sherkhanov Aye
U. Yapanel Aye
H. Beliak Aye

H. Addition of a Director of Facilities/General Counsel to 2017-18 Budget

C. Young, Chief Executive Officer, explained to the Board the need to add a Director of Facilities/General Counsel to the Home Office budget for 2017-18. She explained the organizational needs in hiring this position and how this employee would support and improve the current work. S. Acar, Chief Operations Officer, explained the recruitment efforts and interview process that took place for this position. He informed the Board why staff was recommending the two candidates being presented. The Board presented their concerns on the interview process

and stated they would like to be involved in the screening process of candidates moving forward for high level hires.

S. Sherkhonov made a motion to approve the addition of a C-level position of General Counsel/Director of Facilities and provide the CEO with the authority to fill the position at the Director level if a candidate without the combined skill set is unavailable.

H. Beliak seconded the motion.

The board **VOTED** to approve the motion.

Roll Call

S. Sherkhonov Aye
N. Huynh Aye
S. Orazov No
D. Gonzalez Absent
S. Dikbas Abstain
H. Beliak Aye
S. Covarrubias Aye
C. Brimmer Aye
U. Yapanel No

U. Yapanel made a motion to amend the previous motion to include a third party vetting who will interview the candidate(s), preferably an attorney with facilities expertise whom will report their feedback to the C team.

S. Orazov seconded the motion.

The board **VOTED** to approve the motion.

Roll Call

S. Sherkhonov Aye
H. Beliak No
N. Huynh No
S. Covarrubias Aye
D. Gonzalez Absent
C. Brimmer No
S. Orazov Aye
S. Dikbas Aye
U. Yapanel Aye

I. Approval of Board of Director Membership Renewals

This item was voted on after the items under Consent Agenda were approved. S. Sherkhonov, Board Chair, thanked U. Yapanel and N. Huynh for their dedication to the Board and for being willing to accept a new term in office as MPS Board of Directors.

S. Sherkhonov made a motion to approve the membership renewals for U. Yapanel and N. Huynh for 5 year terms beginning immediately and ending on October 11, 2022.

H. Beliak seconded the motion.

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

Roll Call

S. Sherkhonov Aye
S. Orazov Aye
S. Covarrubias Aye
H. Beliak Aye
D. Gonzalez Absent
C. Brimmer Aye

J. Approval of Addendum to Schools in Action Services for 2017-18

D. Yilmaz, Chief Accountability Officer, explained the addendum to Schools in Action services for 2017-18. He went over the services MPS currently receives

and what the changes will be once the addendum was approved. D. Yilmaz went over the dollar amounts involved and he addressed all questions.

S. Sherkhonov made a motion to approve the addendum to Schools in Action services for 2017-18.

H. Beliak seconded the motion.

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

Roll Call

D. Gonzalez	Absent
N. Huynh	Aye
S. Covarrubias	Aye
S. Sherkhonov	Aye
H. Beliak	Aye
S. Orazov	Aye
C. Brimmer	Aye
U. Yapanel	Aye
S. Dikbas	Aye

IV. Discussion Items

A. Proposal of Creation of the MPS Board Advisory Committee

Due to lack of time, discussion of this item was postponed until the next meeting.

B. Update on STRS Adjustments for all MSA- San Diego

Written report was provided, there was no discussion on this item.

C. Financial Update- August 2017

Written report was provided, there was no discussion on this item.

V. Closed Session Items

A. Conference with Legal Counsel— Anticipated Litigation: Three Cases

D. Gonzalez arrived late.

S. Sherkhonov, announced to the public that the Board was going into Closed Session to discuss three cases under potential litigation. Once the Board came out of Closed Session, S. Sherkhonov announced in Open Session that there was nothing to report out from Closed Session discussion.

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 12:11 AM.

Respectfully Submitted,
S. Sherkhonov