



VISION
To be a world-class school system.

THE SCHOOL BOARD OF LEE COUNTY
School Board Meeting – M I N U T E S (Approved 9/26/06)
Tuesday—August 15, 2006 / 6:30 p.m.

Attendees: Mr. Steven K. Teuber, J.D., Chairman
Mr. Robert D. Chilmonik, Board Member
Dr. Jane E. Kuckel, Board Member
Dr. James W. Browder, Secretary & District Superintendent
Dr. Elinor C. Scricca, Vice Chair
Mrs. Jeanne S. Dozier, Board Member (by phone)
Mr. Keith Martin, Board Attorney
Mrs. Denise Mangus, Recording Secretary

I. OPENING EXERCISES

A. Call to Order – The School Board of Lee County, Florida, met on Tuesday, August 15, 2006 at 6:30 p.m. in the School Board Meeting Room for a regular School Board Meeting; Chairman Teuber presided, and the following changes to the agenda were noted: two Good Cause Items added—Item VI.A.1/TALC Collective Bargaining Agreement and Item VI.A.2/Energy Performance Contracting Program. A wording correction was also noted for Public Hearing Item VIII.B.—should be Administrative Regulation and not Policy. *Motion made by Mrs. Dozier, and seconded by Dr. Scricca, carried 5-0 to approve the agenda as the Order of Business.*

B. Invocation/Moment of Silence – Mrs. Dozier led this for tonight.

C. Pledge of Allegiance – Mr. Chilmonik led the Pledge after presentation of the colors by Cadet MAJ Christine Quinones of Fort Myers High School JROTC (MAJ Larry Sconyers, Instructor).

II. SPECIAL PRESENTATIONS – none

III. PUBLIC COMMENT (Mr. Martin provided the Public Comment guidelines)

John Traube—Noted upcoming issue for down-the-road substitute teachers—compensation. Re salary comparables, he feels world class isn't just comparing to other counties but look at other parts of country and world. Feels 4% for subs the past year results in constant sub teacher shortages.

Jeannine Joy – Parent of two Cafferata students; wants spotlight on school's amazing accomplishments—more than a building: strong/dedicated staff; wonderful students, responsive parents. Feels children in safe/nurturing environment to learn (son's reading/confidence improved).

Joeanne Thomas-Joseph—Re President's NAACP address, noted administration/staff, urgent needs. Kids distrust schools/administration due to lies (all suffer actions' consequences). Newspaper portrayed houses, churches (global display), teaching kids but should not print sexual District e-mails.

Donna Mutzenard (TALC) – Noted Martha Simmons' (40 years teaching) impending appointment. Ms. Mutzenard thanked bargaining teams' members/facilitators, noting a good (85% vote) agreement arrived at to help retain/stabilize teachers. Legislators continue to fund more. Hopes Board passes.

Bob Rushlow – Spoke as community member, noting very good District indoor air quality department (very few in state/nation). He's researched; there's no measuring standards of schools' a/q and mold. Proactively, we can determine our own (giving back to community/state) for world-class.

IV. CONSENT ACTION ITEMS – IV.D.4 was pulled for discussion (Mr. Chilmonik); *motion by Dr. Scricca, and second by Mr. Chilmonik, carried 5-0 to approve the consent agenda.*

A. Executive Services – Dr. James Browder

1. Approval of Board minutes: July 10, 2006—Special School Board Meeting and July 10, 2006—School Board Workshop.

B. Academics – Dr. Constance Jones

1. Approval of five grant proposals at no additional cost to the District.
 - a. WIA Title II Adult Education and Family Literacy Comprehensive Family Literacy Services (Continuation) 2006-2007;
 - b. WIA Act Title II Adult Education and Family Literacy English Literacy and Civics Education (Third Year Extension) Discretionary FY 2006-2007;
 - c. WIA Title II Adult Education and Family Literacy Geographical Continuation 2006-2007;
 - d. Florida Diagnostic and Learning Resources System Associate Centers Project 2006-2007; and
 - e. ESEA Title II, Part D Enhancing Education Through Technology 2006-2007.

Approval authorizes Superintendent to execute related documents and to approve normal and customary accounting, amendment, bookkeeping, and payroll processes to maintain continuity of federal and state grant expenditures during fiscal year changes and other technical transitions. Any processes so approved will represent best practices and conform to funding agency regulations; and to submit proposals and receive awards in subsequent cycles of these specific grant programs and direct successors without further Board action, providing subsequent proposals do not include a major change in focus. The Superintendent may also bring such subsequent proposals forward for Board action for any other cause, at the Superintendent’s discretion.

2. Approval of the 12 agreements for the implementation of Supplemental Educational Services as selected by parents for the 2006-07 school year with services based on a per student allocation of \$1,151 and a total not to exceed \$2,528,700:

a. ATS Project Success	g. Carter Reddy & Associates
b. Back 2 Basics	h. Read Light
c. Basic Learning, Inc.	i. Next Level Learning
d. Knowledge Point	j. Bright Futures Learning, Inc.
e. SI2 Supplemental Instructional Services	k. Cool Kids Learn
f. Bright Skies	l. Totley’s
3. Approval to appoint Martha Simmons as Lee County’s teacher representative for paperwork and data collection reduction.
4. Approval of the Articulation Agreement with The Florida International University Board of Trustees for college-level instruction.

C. Administrative Services – Mr. Michael Mc Nerney

1. Approval to open a checking account for Challenger Middle School Internal Funds at Bank of America with two signatures required on the account; and authorization for the Superintendent to execute related documents.
2. Approval to change the authorized signers on the Internal Fund Accounts at Fort Myers Beach Elementary and Edgewood Academy, with two signatures required on these accounts; and authorization for the Superintendent to execute related documents.

D. Business Services – Mr. Lee Legutko

1. Approval of purchase requisitions in the total amount of \$401,391.62 and authorization to issue the 15 purchase orders:
 - a. All Phase Electric – payment for the repairs to the parking lot electrical feeder lines in the rear parking lot at High Tech Center Central for Maintenance Services (Requisition No. Q-0063101);
 - b. All Phase Electric – payment for repairs of the electrical feeder line to the guardhouse at Cape Coral High School for Maintenance Services (Requisition No. Q-0063093);
 - c. All Phase Electric – payment to rewire eight (8) 1500 watt fixture heads on 40' poles at the baseball field at Cape Coral High School for Maintenance Services (Requisition No. Q-0063090);
 - d. Percon Abatement, Inc. – payment for the remediation of mold at Orangewood Elementary School caused by a roof leak; and removal of contaminated carpet and removal of mold at Pine Island Elementary School for Maintenance Services (Req. No. Q-0063095);
 - e. Percon Abatement, Inc. – payment for the remediation of mold in Buildings 5 and 6 at Orangewood Elementary School for Maintenance Services (Requisition No. Q-0062987);
 - f. Percon Abatement, Inc. – payment to remove and dispose of contaminated wall covering and to treat wall with micro-biocide at Fort Myers Beach Elementary School for Maintenance Services (Requisition No. Q-0062988);
 - g. Percon Abatement, Inc. – payment for the repairs to the ceiling and wall containing asbestos materials after roof repairs are complete at Alva Middle School for Maintenance Services. Payment for the removal and disposal of one fire door containing asbestos material at Bonita Middle School for Maintenance Services (Req. No. Q-0063001);
 - h. Percon Abatement, Inc. – payment for mold remediation in portable # CC-2338/39 at J. Colin English School for Maintenance Services (Requisition No. Q-0063038);
 - i. W. W. Rewis Bobcat – payment to repair the drainage problems around portable at Three Oaks Middle School for Maintenance Services. (Requisition No. Q-0062950);
 - j. W. W. Rewis Bobcat – payment to remove shrubs, grade and improve drainage problems at J. Colin English School for Maintenance Services (Requisition No. Q-0062942);
 - k. W. W. Rewis Bobcat – payment to clean out storm drains and pipes and to cut additional hole in drain box to improve drainage problem at Sunshine Elementary School for Maintenance Services (Requisition No. Q-0063003);

- l. The Chris-Tel Company – payment to open walls and change out all cast iron drains to replace with PVC drains. Replace all ceramic tiles on walls and floors when repairs are complete at Robinson Littleton Academy for Maintenance Services (Requisition No. Q-0062903);
 - m. Lee County Board of County Commissioners – payment of The School District’s portion of maintenance, minor repairs and pro rata costs per the agreement with the Lee County Board of County Commissioners for athletic fields, courts and pools approved on August 8, 2000 (Requisition No. Q-0062941);
 - n. Gulf Paving Company – payment to install flumes, sidewalks and D-curbings on part of the parking lot additions at Cape Elementary School for Maintenance Services. (Requisition No. Q-0062956); and
 - o. Sam Galloway Ford – for the purchase of two 2007 Ford Freestar vehicles for North Fort Myers High School (Req. No. 238574).
2. Approval to award Bid No. R066452LO for emergency debris removal and disposal to DRC Emergency Services, LLC as the primary vendor and Phillips and Jordan, Inc. as the secondary vendor beginning August 15, 2006 through August 14, 2007, with renewal options for two additional one-year periods upon the written agreement of the vendors and the School Board.
 3. Approval of the anticipated annual expenditure of \$80,000 for Bid No. B056377CP for replacement school bus seat covers for the Lee County School District’s Transportation Services Department for the second year period of August 24, 2006 through August 23, 2007 pursuant to the same terms and conditions as previously awarded by the Board.
 4. Approval to increase the piggy-back of the Florida Sheriffs Association and the Florida Association of Counties Bid No. 05/6-02-0105 for tires and related services awarded to various dealers/distributors throughout the State of Florida by \$140,000 making a total anticipated expenditure of \$220,000 through February 28, 2007.
 5. Approval to increase the estimated annual expenditure for Bid No. 6137, elevator equipment maintenance and repair, to General Elevator Sales & Service, Inc. by \$25,000 making a total anticipated expenditure of \$52,500 through December 2, 2006.
 6. Approval to extend Bid No. 6104 for petroleum products/diesel fuel and unleaded gasoline (local depot) for six months to Palmdale Oil Company, Inc. through Feb. 14, 2007 or until new bids are solicited and awarded pursuant to the same terms and conditions at an estimated annual expenditure of \$50,000 as previously approved by the Board.
 7. Approval to rescind the award of Bid No. B056411LO for emergency glass materials/repairs, awarded to Access Door and Glass and to utilize other procurement options.

E. Human Resources – Dr. Gregory Adkins

1. Approval of the general personnel recommendations including administrative, certificated, support and substitute staff, out-of-field appointments, annual reappointments and corrections to items previously approved by the Board.

F. School Support Services – Mr. Bill Moore

1. Acceptance of the Certificate of Final Inspection for Allen Park Elementary School addition dated July 21, 2006 and final payment in the amount of \$394,018.81 to Gulfpoint Construction Co., Inc.; and authorization for the Superintendent to execute all necessary documents.
2. Acceptance of the Certificate of Final Inspection for Orange River Elementary School addition dated July 17, 2006 and final payment in the amount of \$302,317.84 to Gulfpoint Construction Co., Inc.; and authorization for expenditures up to that amount and for the Superintendent to execute all necessary documents.
3. Acceptance of the Certificate of Final Inspection for Tanglewood Elementary School addition dated June 22, 2006 and final payment in the amount of \$147,411.92 to Gulfpoint Construction Co., Inc.; and authorization for the Superintendent to execute all necessary documents.
4. Acceptance of Certificate of Final Inspection for Villas Elementary School addition dated July 19, 2006 and final payment in the amount of \$283,328.75 to Gulfpoint Construction Co., Inc.; and authorization for the Superintendent to execute all necessary documents.
5. Approval to award Bid No. C5149 for replacement of the HVAC at North Fort Myers High School Gym to Air Mechanical and Service Corporation at a total price of \$337,650; and authorization for the Superintendent to execute all necessary documents.

V. UNFINISHED BUSINESS/TABLED ITEMS

*A motion by Mr. Chilmonik, with a second by Mrs. Dozier, was made to approve the pulled item of Consent Action Item IV.D.4. Mr. Chilmonik noted being unclear as to piggy-back bids (re this Florida Sheriff's Association for tires and related services) and wants more information; he indicated his not approving tonight. Mr. Robert George (Procurement) explained these are local bidders/chains doing business; it's statewide in local areas. The Sheriff's Association targets local vendors (larger ones in town—OK Tire, franchise distributors, locally operated). It's been bid out by another governmental entity. Per Mr. Chilmonik's inquiry, the advantage is price and oftentimes, per Dr. Browder, quick accessibility. If the Board wants to bid, it takes staff time and costs; we can use state, county, other district bids—thus saving. Cumulative, per Mr. George, is the greater percentage discount because of volume power. His counterparts and others nationwide go on behalf of governments. Mr. Chilmonik wants to see what we're paying; he can accept staff time being saved but wants analysis. Mr. Teuber noted if time's spent with Procurement and process, the structure/mechanics and inherent savings would be seen; Mr. Chilmonik would be able to see bid sheet and contract prices. Franchises have to stick to bargain price (same type of principle). Dr. Browder will share this particular bid with the Board. Mrs. Dozier noted that State Statute allows piggy-back bids and are those Tallahassee powers/authority being questioned; she's comfortable with it, doesn't feel staff abuses it—as far as pricing, finding as many dollars as possible enables use of this process/guaranteed prices—noting staff, legislators, and the Superintendent have thought this out. Dr. Kuckel noted support but looks forward to more information. *The question was called and a vote taken of 4-1 to call, with Mr. Chilmonik dissenting; motion carried 4-1 to pass IV.D.4, with Mr. Chilmonik dissenting.**

VI. SUPERINTENDENT'S RECOMMENDATIONS

A1. Good Cause – Approval of the Collective Bargaining Agreement between the School Board of Lee County and the Teachers Association of Lee County (TALC)

Mrs. Dozier moved for Board ratification of the three-year collective bargaining agreement with the Teachers Association of Lee County; Dr. Scricca seconded. Mrs. Dozier noted wholehearted support; 85% of teachers voted yes. Board continues to fight in Tallahassee (Florida 40th in nation in funding; she wants to see us at 25); thinks teachers realize the hard work being done. Dr. Scricca noted support and is extremely pleased to ratify; there's a great deal to go for world-class school system—part is being in partnership with whom we work: teachers, support staff, etc.—and the contract's well negotiated, giving sense of balance and stability to do what's needed for students and programs we offer. Based on data and correlation among other systems, this is what's used to come to good decision making—to not aggravate but soothe and satisfy. Mr. Chilmonik noted thanks but feels more can be done—we're behind Collier; District teachers work hard and legislators and if sleeves rolled-up, gap can be closed as he feels there's money in the budget but will be supporting. Dr. Kuckel supports her colleagues and recognized Mrs. Dozier for her work with legislators and the platform. Mr. Teuber noted support and this is a great collaborative effort; it was a lot of work for Dr. Browder, his team, and the bargaining units. Mr. Teuber noted that Collier's cost of living is more; we have 80,000 students vs. their 47,000 and their budget is \$1.1 billion vs. our \$1.5 billion—we're fiscally responsible. Hard work will continue to be fought in Tallahassee (teachers right there and the union—both Senate and House); it's important that it's a 3-year agreement, with letting the focus be on children, letting teachers teach, and commending leaders' foresight in moving in this direction. Motion carried 5-0.

A2. Good Cause – Energy Performance Contracting Program

Mrs. Dozier made a motion for Board approval of the Schedule "E" Construction and Implementation Order, the Energy Savings Guarantee, the Master Equipment Lease/Purchase Agreement, the Acquisition Fund Agreement and the Resolution authorizing execution of same for the Second Phase of Agreements with FPL Services, LLC and commencement of work for 13 District facilities and authorization for the Superintendent to execute all necessary documents; Dr. Kuckel seconded the motion. Mrs. Dozier noted support and the opportunities for cost savings/neutral; she appreciates FPL and staff. Motion carried 5-0.

B. Increase Total Project Cost for Challenger Middle "II and Elementary "Y"

Dr. Scricca made a motion for Board approval to increase the total project cost of Challenger Middle "II" and Elementary "Y" to \$67,247,836; and authorization for the Superintendent to execute all necessary documents; Mr. Chilmonik seconded. There's increases in materials costs (budget brought in early March but developed January-February), and project costs dramatically changed in last 6-8 months; 40% range now (not 26% construction increases). District's still below what other districts spending with fewer FISH capacity. Re price protection, we can only buy gas six months in advance as an example; fuel's involved in construction of many things for schools. Dr. Browder referenced another Florida district's high school bid of \$99 million,

which is \$40 million more than here. Contractors can't predict at end of job as they finish putting things in; it's difficult and almost impossible when holding costs down. In Dr. Browder's memos sent, cost paid for construction is substantially lower than anyone around us; Mr. Moore and group has done good job in getting best bang for buck—Dr. Scricca noted gladness in the latter and explanation of such to the community. Dr. Browder thinks part is contractors helping us by doing all they can on their side to hold costs down (there's electrical costs, number of folks on job to keep, etc.); Dr. Browder noted Mr. Moore's negotiating percentages—we're paying 5% less than those around us for a job of this size; via prototypes (repeat such), costs being held down--\$1.5-2 million design costs saved. Dr. Browder listens to other superintendents/districts and it's smart having consistency in our building program (we're three years out on this). Costs are lower, re comparison, by what we've done on the front side.

It was noted to Mr. Chilmonik that the \$4 million is reflected/adjusted in the capital plan; in the preliminary budget to tentative, several million picked up because of additional 2 mill money (this money will be picked up/realigned within plan). Dr. Browder can't predict costs of schools in 5 years; maybe growth will slow on commercial side but latter is still booming—it will be balanced within 5-year window and for final budget. Things may have to be dropped out if we don't have dollars. Dr. Browder noted trying to put in Transportation compounds to reduce bus costs (asphalt prices increased); fortunately, 2 mills didn't go down and it's believed that the budget can be balanced without cutting anything else. Mr. Teuber noted the FSBA's price breakdown of schools construction—state elementary averages \$27 million though we're at \$22 million; we've built 17 additions (identical, using 3 different construction methods—CBS, tilt wall, and modular—and for dollar comparisons in 2-3 years, it will be seen for the maintenance ability, energy consumption, etc. for better cost savings. *Motion carried 5-0.*

C. Renewal of Employment with Robert Dodig, Jr. as Staff Attorney

Motion made by Mrs. Dozier, and second by Dr. Kuckel, carried 5-0 for renewal of the employment contract with Robert Dodig, Jr. as Staff Attorney for a term of one year at a cost of \$115,969.72.

D. Emergency Replacement of the Main Sewer at High Tech Central

Motion by Mrs. Dozier, and second by Dr. Scricca, carried 5-0 to authorize replacement of the main sewer line and manhole at High Tech Central by Gulfpoint Construction, Inc. at a total price of \$73,200 and authorization for the Superintendent to execute all necessary documents. (Lowest of two proposals.)

VII. ATTORNEY'S RECOMMENDATIONS – none

VIII. PUBLIC HEARING (Dr. Browder presented two items for public hearing tonight)

Mr. Teuber recessed the Board Action Meeting and opened the Public Hearing at 7:24 p.m. He asked if anyone would like to address the Board regarding the issues on the Agenda for Public Hearing tonight; there being none, Mr. Teuber closed the public hearing and reconvened the regular School Board Meeting at 7:25 p.m.

A. Revisions to Policy 4.42, Change Orders

Motion made by Mrs. Dozier, and seconded by Dr. Scricca, carried 5-0 to approve revisions to Policy 4.42, Change Orders, to grant authority to the Superintendent to approve Change Orders within the project cost approved by the School Board.

B. Revisions to Administrative Regulation (AR) 3.30, Charter Schools

Motion was made by Mrs. Dozier, and second by Dr. Scricca, to approve the revisions to AR 3.30, Charter Schools, to align the Rule with new requirements of State Statute; motion carried 5-0.

IX. OTHER BUSINESS**A. Special Request Presentations (Policy 1.31) – none****B. Board Member Comments/Reports**

Dr. Scricca – She complimented the opening of school and TALC contract ratification; Dr. Scricca congratulated the Transportation Department and her visit to the new River Hall Elementary was wonderful/marvelous. Staff members at all locations are off to a good start.

Mr. Chilmonik – He noted he'll compliment when deserved; Mr. Chilmonik commented we did get off to a good start. He thanked the public comment speaker who talked about the Cafferata School; Mr. Chilmonik requested a spreadsheet of items being repaired at that school and reimbursements as he wants to track costs and actual repairs. He's done reading about mold on government websites and thinks the District setting a standard is good; Mr. Chilmonik wants to see the Cafferata air quality samples' report. He complimented Mrs. Nieminski on her report and noted a great job to Mrs. Campbell on getting checks out. He thanked all teachers and staff, noting there's 5,000 new students and new buildings.

Mrs. Dozier – She did ditto comments on school opening. She also thought the Board could have a workshop, roll-up sleeves, and see what programs Mr. Chilmonik feels he can target for cost savings, with all bringing ideas.

Dr. Kuckel – She echoed fellow Board Member comments. A workshop can be held on 9/12/06 to talk about advisory committees; Dr. Kuckel wants to add a workshop agenda item that day for an update on the call center, and Compliance Committee talked about it last night and we need to re-think. Linda Boyle shared information on the kinds of calls (this data can be available ahead of time to see if it fits the Board's intent).

Mr. Teuber – Thanked Ms. Joy for speaking; it takes a lot to have a great school, and Cafferata is an example (all help); he echoed the start of school remarks, noting excitement for teachers—a fluid transition—and hearing from principals that it's one of the best openings ever. Mr. Teuber commented to Dr. Scricca, re Transportation, that his daughter is one of the children that didn't get off her bus though they practiced in the car ahead of time but it's okay now.

C. Attorney Comments/Reports (Mr. Martin had none)

D. Superintendent Comments/Reports

Dr. Browder – He really appreciates the school opening comments; from his standpoint, unbelievable—it’s like we never stopped/kept going. He acknowledged Maintenance, Construction, Payroll, Personnel, and all staff. Dr. Browder noted the incoming calls stopped at 6:15 p.m. the first day, and the volume was almost nil compared to the past; everything’s not perfect but we’ll continue to focus on work. He noted 80,000 students being fed 7 days.

E. Next Scheduled 2006 Meetings: August 16, 2006—2:00, Press Conference; August 29, 2006—3:00 p.m., School Board Briefing Meeting; and August 29, 2006—6:30 p.m., School Board Meeting.

X. ADJOURNMENT – *As there was no other business to come before the Board, the meeting was adjourned at 7:37 p.m.*

/dwm

MINUTES BOOK NO. 41 - FY07

Steven K. Teuber, J.D., Chairman

ATTEST:

James W. Browder, Ed.D., Secretary and District Superintendent

An audio/visual tape of this meeting has been produced to provide a verbatim record of the proceedings. Members of the public may obtain a copy of the tape of any meeting by making a request for such through the Communications Department and paying the actual cost of copying the tape. Members of the public may view any Board meeting tape at the Communications Department at no cost. Anyone wishing to view a Board meeting tape should contact the Communications Department at 337-8327 to make such a request.