

**NOVATO UNIFIED SCHOOL DISTRICT
REGULAR Meeting of the Board of Trustees**

May 16, 2017 - 5:00 PM

Novato Education Center - 1015 Seventh Street, Novato, CA 94945

LOCATION for Trustee Cooper who will be connected via conference phone.
52 Kings Cross Road, Unit 7, Rushcutters Bay, NSW 2011, Australia

Attendance Taken at 5:00 PM:

Present:

Ms. Maria Aguila
Mrs. Debbie Butler
Mr. Thomas Cooper
Mr. Derek Knell
Mr. Gregory Mack
Mr. Ross Millerick
Mrs. Shelly Scott

1. CALL TO ORDER AND ROLL CALL - 5:00 p.m.

Acting President Butler called the meeting to order at 5:00 p.m. and announced Trustee Cooper was out of the country and connected via conference phone.

2. CLOSED SESSION AGENDA

3. CLOSED SESSION ANNOUNCEMENT/RECESS TO CLOSED SESSION - 5:02 p.m.

3.a. ANNOUNCEMENT: Prior to adjourning into closed session, a representative of the legislative body must orally announce items to be discussed. Individuals may address the Board on these items of the agenda.

3.b. With respect to every item of business to be discussed in closed session pursuant to Gov Code Section 54956.9: Conference with Legal Counsel - Anticipated Litigation

3.c. With respect to every item of business to be discussed in closed session pursuant to Gov Code Section 54957: Public Employees Discipline/Dismissal/Release

4. PUBLIC COMMENT ON CLOSED SESSION AGENDA - 5:05 p.m.

5. CALL TO ORDER AND ROLL CALL - 6:00 p.m.

Acting President Butler called the meeting to order at 6:00 p.m.

5.a. Pledge of Allegiance

6. ANNOUNCEMENT OF REPORTABLE ACTION/CLOSED SESSION - 6:02 p.m.

6.a. Board Action in closed session must be reported in open session

Acting Vice-President/Clerk Knell reported on action taken in closed session:

- With respect to every item of business to be discussed in closed session pursuant to Gov Code Section 54956.9: Conference with Legal Counsel - Anticipated Litigation - information only, no direction given or action taken.
- With respect to every item of business to be discussed in closed session pursuant to Gov Code Section 54957: Public Employees Discipline/Dismissal/Release - no discussion.

7. APPROVAL OF AGENDA - 6:04 p.m.

7.a. Approval of Agenda

Motion Passed: A motion to approve the Agenda passed by a vote of 6, 0, 1 (Trustee Cooper not present, not connected via phone, but will be reconnected at 7 p.m.) Passed with a motion by Mr. Gregory Mack and a second by Mrs. Shelly Scott.

Yes	Ms. Maria Aguila
Yes	Mrs. Debbie Butler
Absent	Mr. Thomas Cooper
Yes	Mr. Derek Knell
Yes	Mr. Gregory Mack
Yes	Mr. Ross Millerick
Yes	Mrs. Shelly Scott

8. STUDENT RECOGNITION: NOVATO INSPIRATIONAL STUDENT ACHIEVEMENT (NISA) AWARDS - 6:05 p.m.

Superintendent Hogeboom welcomed everyone to the Novato Inspiration Student Achievement (NISA) awards recognition in partnership with the Novato Chamber of Commerce. The NISA awards were presented to students, who throughout their school years, had demonstrated:

- a commitment to developing their academic potential.
- exceptional integrity, a positive attitude, and a commitment to good citizenship.
- a commitment to being dependable and enthusiastic.
- a commitment to being supportive of fellow students, teachers, and principal.
- and an outreach to participate in helping others.

Every school in NUSD honored two students, from the fifth, eighth, and twelfth grade levels. Principals read information about each student and why they were nominated for the award. Coy Smith, Chief Executive Officer of the Chamber of Commerce, presented certificates from the City of Novato, Judy Arnold, County Supervisor for District 5 representing Novato, presented County of Marin certificates, and Henry Symons, representing both Senator Mike McGuire and Assemblyman Marc Levine, presented a joint certificate from the Senate and the Assembly.

Acting President Butler recessed the meeting at 6:40 p.m.

Acting President Butler reconvened the meeting at 7:00 p.m. She announced President Cooper is out of the country and would be participating in the meeting via conference phone. She also announced she would be Acting President and Trustee Knell would be Acting Vice President/Clerk.

Acting President Butler reviewed the public comment process and that each person would have three (3) or less minutes to comment. No one would be able to yield their minutes to another, but if a comment was the same as a previous commenter, they could pass. She reminded everyone to be professional and respectful, and the purpose of the meeting was the certification of the Environment Impact Report (EIR), not the approval or denial of the San Marin High School lights project.

The May 30 Special Board Meeting will be the lights decision, and the meeting will be held at San Marin High School because of the number of potential attendees. The meeting will begin at 7:00 p.m. with no Closed Session.

9. PUBLIC COMMENT ON CONSENT AGENDA - 6:55 p.m.

None

9.a. Individuals may address the Board in accordance with the Public Comment statement on the last page of the agenda.

10. APPROVAL OF CONSENT AGENDA - 6:58 p.m.

10.a. All Consent items approved by a single action

Motion Passed: A motion to approve the Consent Agenda passed by a vote 7- 0. Passed with a motion by Mr. Gregory Mack and a second by Mr. Derek Knell.

Yes Ms. Maria Aguila
Yes Mrs. Debbie Butler
Yes Mr. Thomas Cooper
Yes Mr. Derek Knell
Yes Mr. Gregory Mack
Yes Mr. Ross Millerick
Yes Mrs. Shelly Scott

11. NON-AGENDA PUBLIC COMMENT - 7:00 p.m.

11.a. Individuals may address the Board in accordance with the Public Comment statement on the last page of the agenda.

A community member commented on the changes in meeting locations.

Superintendent Hogeboom commented that meeting agendas and reports are posted within the 72-hour Brown Act posting requirements. The Agenda is physically posted at the District Office and on the NUSD webpage in two places.

One of the places on the webpage had a faulty link which was corrected. The Brown Act requirements were still met.

The May 30 Special Board Meeting has been moved from the District Office to San Marin High School to accommodate more people. Changes of meetings or locations were on the NUSD website, and they were changed for an extension of public comment, besides accommodating more people.

12. DISCUSSION - Final Environmental Impact Report (EIR) - 7:05 p.m.

Acting President Butler announced that after all the presenters had shared their presentations, the Public Comment period would begin, and the Trustees would not address any of the public comments.

12.a. San Marin Stadium Lights Project: Background and Timeline - 7:05 p.m.

Superintendent Hogeboom gave a brief summary on the San Marin Stadium Lights Project and the six (6) objectives of the proposed project which were to:

1. Provide extended availability of the athletic fields to improve academic performance by minimizing early class dismissal and missed instructional time for student athletes.
2. Allow for the scheduling of games at times when students, parents, and community members can more easily attend the events, which would increase school spirit and increase revenue from ticket purchases.
3. Provide nighttime opportunities for students to gather to cheer on their team offering an alternative to going to parties or other unhealthy recreational activities, in an alcohol-free environment.
4. Improve athlete safety by providing superior lighting conditions during evening practices and sports events.
5. Improve safety by minimizing incompatible uses from sharing the field (e.g.: lacrosse teams and track/field teams practicing at the same time means that lacrosse balls may hit runners on the track).
6. Improve the public address system to focus and contain sound within the stadium.

Superintendent Hogeboom highlighted key dates:

- October, 2015: District staff met with "Lights for San Marin" group at District Office to learn of effort for stadium lights (approx. 6 attendees)
- May 17, 2016: At a regular board meeting, Trustees approved the hiring of Rincon Consultants to prepare an environmental impact report under CEQA
- August 25, 2016: Rincon Consultants sent out Notice of Preparation (NOP) and Initial Study to the District, community and local agencies and start of 30-day public comment period
- September 7, 2016: Scoping meeting for the Initial Study held at San Marin Student Center to discuss the Initial Study, receive input, and answer questions on subsequent environmental impact report (EIR) (approx. 80 attendees)
- December 20, 2016: Public release of Draft EIR and start of 56-day public comment period (45-day requirement)

- January 24, 2017: Special Board Meeting to hear public comments on Draft EIR (approx. 80 attendees)
- January 31, 2017: At regular board meeting, Trustees voted to extend public comment period to March 3, 2017, (73-day public comment period) to accommodate possible comments after field trip to Hillsdale High School in San Mateo, CA on February 27, 2017, and timeline revised for approval/certification of Final EIR and project approval.
- February 27, 2017: Field trip to Hillsdale High School, San Mateo, to observe newly installed stadium lighting that are similar to the proposed stadium lighting at San Marin (approx. 25 attendees)
- April 18, 2017: Initial release of Final EIR including 97 comments (allowing 14-day review time no CEQA time requirement)
- May 10, 2017: Release of Final EIR include all comments
- May 16, 2017: Regular Board Meeting to consider approval/certification of Final EIR
- May 18, 2017: Community Outreach Meeting #3 at San Marin Library to continue gathering input on administrative regulations in the event the stadium lights project is approved
- May 30, 2017: Special Board Meeting to consider San Marin High School Stadium Lights

12.b. Overview of the California Environmental Quality Act (CEQA) and EIR Process - 7:25 p.m.

Bryce Chastain, Attorney, Atkinson, Andelson, Loya, Ruud & Romo, shared a PowerPoint presentation "California Environmental Impact Report Overview." Highlights included:

- The three keys to a successful CEQA compliance for an EIR are:
 - Full and complete public disclosure.
 - Findings supported by substantial evidence in the administrative record.
 - Compliance with the procedural requirements of CEQA.
- NUSD has been compliant with the CEQA requirements.
- Only after certification of the EIR, will the Board consider project approval.
- CEQA project approval process would trigger requirements:
 - No significant effect on the environment
 - Elimination or substantially lessening all significant effects when feasible which means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors.
 - Statement of Overriding Concerns - unmitigated impacts are acceptable.
- Key point - under the substantial evidence standard, no other body can substitute its own judgment of a project for the policy decision of the lead agency. Conflicts must be alleviated by the lead agency.
- Speculative impacts that are not unsupported by evidence do not have to be addressed in an EIR.
- Local building codes exempt school districts from business and residential requirements.

12.c. Final EIR Overview - 7:35 p.m.

Abe Leider, Rincon Consultant, shared a PowerPoint presentation which included the EIR process, the timeline, and comments of support and opposition to the project. Some of the recurring comments on the draft EIR included:

- Lighting impacts
- Biological resources impacts
- Noise impacts
- Traffic impacts
- Public services and safety impacts
- Project costs and project objectives
- Project alternatives

Key Final EIR Clarifications included:

- Clarifications and detail added to the project description: construction timing, program details, design illumination frequency of light and PA use each month as shown in a new table
- Additional discussion of potential impacts to wildlife added to Initial Study to support less-than-significant biological resources impacts conclusions
- Additional discussion of egress lighting and speaker poles to support aesthetic resources conclusions
- Clarification of use of upward-facing lights
- Additional discussion of non-varsity football activity noise levels to support noise conclusions

Project Alternatives - Considered but infeasible or not able to meet project objectives:

1. No Project (no change to existing conditions)
2. Stadium Lighting at Novato High School
3. Portable Lighting Systems
4. IVC Existing Fields - infeasible due to the unavailability of the site for use by NUSD per the March 17, 2017 letter from the City of Novato to NUSD.

EIR Certification:

- Certification of the EIR is not approval of the project
- The EIR is an informational document only and does not make recommendations regarding approval or denial of the project
- Certification of the EIR would mean that the Board finds the Final EIR was completed in compliance with CEQA, and that it reflects the District's independent judgment and analysis.

Trustee Millerick asked for clarification between E2 and E3 lighting zone criteria.

12.d. Consideration of Alternatives - 7:45 p.m.

The Alternatives were considered in the Final EIR Overview PowerPoint presentation.

Jason Deniz, Musco, local manufacturing representative, briefly reported on the lights which will fulfill three purposes:

1. Player safety
2. Energy efficiencies
3. Controlling spill light with taller poles and steeper angle to help with glare to be good neighbors

Trustee Cooper asked about a photometric study that was requested at the January 24 Special Board Meeting. Mr. Leider explained that a photometric study is part of the mitigation measures. It will be done when the project is approved, there is a final design of the project, and when NUSD hires a lighting consultant to prepare the study.

12.e. Draft Schedule of Events - 8:05 p.m.

Dennis Davis and Ben Philpott, Co-Athletic Director and Teacher, San Marin High School, reported on the draft schedule of events at San Marin High School. The draft schedule reflects a typical year of events. It was noted that the days and times could vary from year to year, but there would be no noticeable increase or decrease in either light or PA usage. Sunset times were included per request of a community member at one of the community meetings. Rental of the field with light usage to outside organizations is not being considered.

The total of one hundred fifty-two (152) games with lights usage was the maximum number of games projected if all teams were involved in MCAL and NCS playoff games. On the schedule, twenty-four (24) of the days are possible MCAL and NCS playoff games, although during the 2015-16 school year San Marin High School hosted four (4) playoff games, and San Marin High School may host up to three (3) playoff games for the 2016-17 school year.

It was noted that Monday through Thursday, all practices would be completed by 7:30 pm and all games by 8:00 pm. The exceptions would be Graduation and Powder Puff football which are the only identified other school-related activities that would utilize the stadium lights to be turned off by 8:30 p.m.

No outside user groups would be using the field on Sundays, and there would also not be PA usage on Sundays as well. Those groups will be moved to Saturday mornings.

There was a recommendation to have no games on major holidays.

12.f. San Marin Public Address System - 8:15 p.m.

Yancy Hawkins, Assistant Superintendent, Business and Operations reported on the San Marin Public Address (PA) System. The current PA system is too loud and the noise level bothers nearby neighbors, especially on the weekends.

The cost of the project is projected to be approximately \$245,000 and includes speaker pole bases, speaker poles, speakers and installation, PA system feeder and head end. The project is recommended to be funded out of Fund 22 Measure G funds to improve athletic facilities.

The Superintendent and staff believe that this project should be considered for approval by the Board of Trustees whether or not the San Marin Stadium Lights Project is approved. More cost details will be presented at the May 30 Special Board meeting.

12.g. Estimated Cost for the San Marin Athletic Field Lights Project - 8:25 p.m.

Yancy Hawkins, Assistant Superintendent, Business and Operations, reported on the estimated cost for the San Marin athletic field lights project.

Project Budget:

Greystone West, the District's construction manager, has projected the cost of the project to be \$1,165,000, which includes upgraded electrical infrastructure, security lighting poles and lighting, and the eight pole Musco lighting system and lights, including installation. The funding for this project is recommended to be split between the District's facilities Fund 21 (non-Measure G) of \$582,500 and donations/contributions from the community, including the San Marin Sports Boosters.

Operating Budget:

The operating cost of the lights is primarily the cost of electricity related to running the lights as well as maintenance costs. Musco Lighting offers a 25-year warranty program that covers 100% of maintenance costs for the actual light poles and lighting system, including bulbs, which lowers the maintenance costs. The electrical cost is limited by two factors, the LED bulbs used in the project and the District's solar power purchase agreement (PPA) with Telsa (formerly SolarCity) which lowers the per kWh cost of electricity. The conservative annual estimate of usage is \$4,900 for the Musco Lights and \$350 for the security lighting.

Based upon discussions with local bay area districts with lighted athletics fields, the District can rely on at least \$20,000-\$25,000 in additional revenue.

Although the District is still working with the community on Administrative Regulations (ARs), the increased revenue is estimated to sufficiently cover the additional event related costs, primarily police, security, clean-up, and other event staffing.

Trustees received clarification on:

- MCAL does receive funds for playoff events
- NUSD may put in the ARs where funding should go from events
- Measure G does not fund lights, but may fund PA, because PA is required under Education Code for safety

At the May 30 Special Board Meeting specifics on costs for lighting will be discussed.

13. PUBLIC COMMENT - 8:35 p.m.

13.a. Individuals may address the Board in accordance with the Public Comment statement on the last page of the agenda.

Acting President Butler announced the Public Comment period would open with three (3) minutes maximum for each comment.

Forty-four (44) people, which included twenty-three (23) community members, two (2) teachers who were also parents, six (6) parents, and thirteen (13) students, commented on the EIR and the San Marin Lights Project.

Acting President Butler closed the Public Comment period.

14. DISCUSSION/ACTION - 9:45 p.m.

14.a. Certification of the Environmental Impact Report for the San Marin Stadium Lights Project - 9:45 p.m.

Jim Hogeboom, Superintendent, reported that the Superintendent and staff recommend that the Board of Trustees certify, with regard to the EIR, that it:

- Complies with CEQA per 14 California Code Regs §IS090(a)(1);
- Reflects the lead agency's independent judgment and analysis per 14 California Code Regs §IS090(a)(3); and
- Was presented to the decision-making body, which reviewed and considered the information in the Final EIR before approving the project per 14 California Code Regs §IS090(a)(2).

The final EIR identified the mitigation measures that will be implemented to reduce the impacts associated with the project. To ensure those mitigation measure are properly implemented, a monitoring program has been devised which identifies the timing and responsibility for monitoring for each measure. Some of those mitigation measures include:

- A Photometric Study by a qualified lighting consultant to ensure the design of the project is within limits of EIR candles and glare limits no greater than the required candelas.
- Hire a qualified principal investigator to perform all mitigation measures related to archaeology and historical resources.
- Retain a project paleontologist if unanticipated paleontological resources are discovered.
- Unanticipated discovery of tribal cultural resources to be determined by a tribal cultural resource.
- Design a Public Address (PA) system that does not exceed the required sound levels, and hire a qualified acoustic engineer to test the system.

Reports on mitigation measures will be presented to the Board of Trustees.

Trustee Knell requested how traffic was being addressed in the EIR. Josh Pilachowski, a licensed traffic engineer with DKS, reported there would be no significant delays at intersections or on neighboring streets.

Trustee Scott asked about whether San Mateo was designated an E2 or E3 light zone, and what was its candle power requirement. Matthew Long, Rincon Consultants, reported that Rincon did the EIR on five lighted stadiums in San Mateo. The light zone designation was E3 and that the glare was no greater than 10,000 candelas at surrounding residences.

Trustee Cooper asked about a biological study. Abe Leider stated it was not a requirement of the CEQA, because there would be no significant impacts.

Trustee Cooper asked Bryce Chastain to clarify why the field is exempt as a classroom facility. Mr. Chastain reported that a classroom is exempt as a classroom facility and is not dependent on time. If the classroom is used in the evenings, it is still considered a classroom facility. If a field is not used for P.E. activities, it is still considered as a classroom facility.

Trustee Mack made the motion and read the recommendation. Bryce Chastain corrected Trustee Mack because he read "IS090" as "I5090." It should not be "5" but "S" for section. Trustee Mack amended his motion and read the recommendation as:

Superintendent and staff recommend that the Board of Trustees certify, with regard to the EIR, that it:

- Complies with CEQA per 14 California Code Regs §IS090(a)(1);
- Reflects the lead agency's independent judgment and analysis per 14 California Code Regs §IS090(a)(3); and
- Was presented to the decision-making body, which reviewed and considered the information in the Final EIR before approving the project per 14 California Code Regs §IS090(a)(2).

Trustee Knell seconded the motion.

President Butler announced there would be a roll call vote because Trustee Cooper was participating via conference phone.

Trustee Millerick stated that more explanation was needed as to why the San Marin Stadium Lights project was designated E3 rather than E2. For that reason his vote was "no".

Motion Passed: A motion to approve the Certification of the Environmental Impact Report for the San Marin Stadium Lights Project passed by a vote of 6-yes, 1-no (*Trustee Millerick*) Passed with a motion by Mr. Gregory Mack and a second by Mr. Derek Knell.

Yes Ms. Maria Aguila
Yes Mrs. Debbie Butler
Yes Mr. Thomas Cooper
Yes Mr. Derek Knell
Yes Mr. Gregory Mack
No Mr. Ross Millerick
Yes Mrs. Shelly Scott

15. CONSENT: All items approved by a single action - 9:55 p.m.

15.a. Approve Resolution 30 2016/2017 for Non-Reelection of Temporary Certificated Employees

Motion Passed: Passed with a motion by Mr. Gregory Mack and a second by Mr. Derek Knell.

Yes Ms. Maria Aguila
Yes Mrs. Debbie Butler
Yes Mr. Thomas Cooper
Yes Mr. Derek Knell
Yes Mr. Gregory Mack
Yes Mr. Ross Millerick
Yes Mrs. Shelly Scott

15.b. To Obtain Board Authorization to Reject all Bids for the District's Measure G San Ramon Elementary School Re-Roof Project

Motion Passed: Passed with a motion by Mr. Gregory Mack and a second by Mr. Derek Knell.

Yes Ms. Maria Aguila
Yes Mrs. Debbie Butler
Yes Mr. Thomas Cooper
Yes Mr. Derek Knell
Yes Mr. Gregory Mack
Yes Mr. Ross Millerick
Yes Mrs. Shelly Scott

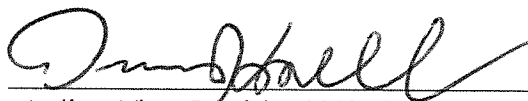
16. ADJOURNMENT - 10:00 p.m.

Acting President Butler requested which Trustees would like to attend the San Marin Community Meeting on May 18. Trustees Scott, Millerick, and Aguila requested to attend the meeting.

Acting President Butler announced the May 30 Special Board Meeting will be the decision on the San Marin Stadium Lights Project. It will be held at San Marin High School at 7:00 p.m.

The meeting was adjourned at 10:21 p.m.

WITNESSED:



Acting Vice President/Clerk of the Board of Trustees

Attested to on this 6th day of June 2017.

