

**PASADENA UNIFIED SCHOOL DISTRICT
Surplus Property "7-11" Committee Meeting / Burbank Property**

AGENDA

Meeting No. 7

June 7, 2017

6:00 P.M.

**2046 Allen Avenue
Altadena, Ca 91001**

1. PRELIMINARY

a. Call to Order _____ p.m.

b. Roll Call (Establishment of a Quorum)

- | | |
|------------------------|-------|
| 1. Francis B. Boland | _____ |
| 2. Mark C. Nicoletti | _____ |
| 3. George L. Tan | _____ |
| 4. Blair L. Miller | _____ |
| 5. William Creim | _____ |
| 6. Lewis R. Watson | _____ |
| 7. Robert L. Martinez | _____ |
| 8. Kathleen M. Sanchez | _____ |

2. PLEDGE OF ALLEGIANCE

3. INTRODUCTIONS

a. 7-11 Committee Members, District Staff and Consultants, if any

4. COMMENTS FROM THE FLOOR

Persons wishing to make comments to the 7-11 Committee on non-agendized items may do so at this time. Each speaker is requested to limit their comments to no more than three (3) minutes. Please fill out a Speaker Card and turn it in to the Chair if you wish to address the Committee.

5. APPROVAL OF MINUTES OF MAY 24, 2017 MEETING

a. Motion By _____ Seconded by _____ Vote _____

6. REVIEW OF THE BURBANK PROPERTY
 - a. Presentation reviewing Burbank Property
 - b. Committee discussion
7. PUBLIC HEARING ON THE BURBANK PROPERTY / PRIORITY USE LIST
 - a. Public Hearing opened at _____ p.m.
The public is allowed to express itself regarding the Burbank Property.
Public Hearing closed at _____ p.m.
8. DISCUSSION OF THE BURBANK PROPERTY
9. DISCUSSION AND APPROVAL OF FINALIZED REPORT TO SCHOOL BOARD;
NEXT STEPS
 - a. Motion By _____ Seconded by _____ Vote _____
10. COMMENTS FROM COMMITTEE MEMBERS
11. ADJOURNMENT _____

PASADENA UNIFIED SCHOOL DISTRICT
Surplus Property "7-11" Committee Meeting / Burbank Property
Meeting Minutes of the March 10, 2017 Meeting No. 5

Location of Meeting: 2029 North Allen Ave Altadena CA

Date and time of meeting: May 10, 2017 at 6:00 P.M.

Members Present: George L. Tan, Blair L. Miller, Lewis R. Watson, William Creim, and Kathleen M. Sanchez.

PUSD Staff: Jessica Frazier, Construction Specialist;

Atkinson, Andelson, Loya, Ruud & Romo (AALRR) Law Firm: Constance J. Schwindt, Attorney and Stephen M. McLoughlin, Attorney.

1. PRELIMINARY

- a. Call to Order- The meeting was called to order at 6:04 p.m.
- b. Roll Call- the quorum was established with the following members present.

1. Francis B. Boland	<u>Absent</u>
2. Mark C. Nicoletti	<u>Absent</u>
3. George L. Tan	<u>Present</u>
4. Blair L. Miller	<u>Present</u>
5. William Creim	<u>Present</u>
6. Lewis R. Watson	<u>Present</u>
7. Robert L. Martinez	<u>Absent</u>
8. Kathleen M. Sanchez	<u>Present</u>

2. PLEDGE OF ALLEGIANCE- was recited.

3. INTRODUCTIONS

- 7-11 Committee Members were introduced and they identified which category they were filling. District Staff and AALR&R attorneys introduced themselves

4. COMMENTS FROM THE FLOOR

- Public hearing comment section opened at 6:49 pm

The public is allowed to

- Madeline Schluder would like the site to be used for public school or other programs that help the community. There is an organization called Mothers club that could use the site as well as Adult Education.
- Carol Chung mention that the information sent out about the meeting was confusing and misleading. Told the committee that she has kids that attend PUSD schools and would like to site to remain a school. she is also an advocate of community programs and would like to see the site remain a public school.

- Christian Grasse lives in the community and within the district boundaries but does not send their child to PUSD schools. His child attends Stratford school. He loves the facilities and would like for Stratford to remain at the Burbank site location. He believes that based on the information that has been provided about the school location and district enrollment that this location is not needed by PUSD. In addition he believes that the office space that is being used at this location by the district can be used elsewhere and that the district would benefit from the income of renting the site out.
- Paul Lewis is an Altadena resident and a parent of kindergarten that attends Stratford School and views the school as an invaluable resource for the community and it provides an excellent education for his child. He would like to see Stratford as a life time partner in the community and would like to send all their children to the school to Stratford as well. He would not like to see the board do anything that inhabits Stratford's ability to stay at the location long term.
- Jen Lee lives in the area and is on the Altadena town council and would like the site to be used as a park and would not like to see the school sold.
- Joseph lives in Pasadena and son goes to Madison elementary school and is in favor of affordable housing and would like the district to partner with the city to look at an affordable housing project on the site for the general public. As well as make a preference to district employees or government employees to entice the district to move in that direction.
- Tim Karvarkon lives in the area and has seen multiple PUSD schools close down due to enrollment issues and believes that holding on to property that is not being used at its highest and best use is meaningless. He believes that the district could use the money to improve the schools in the district that are in operation.
- Armen is a resident of Pasadena and has a child in PUSD. He would like the space to remain as a school. He is okay with lease or sale as long as it is used for a school and agrees that it is wasteful that the school site is not being used at its highest and best use. Does not think a public park is the way to go because of the location and the security of the neighborhood.
- Jack Green lives in the neighborhood and is the properties physical neighborhood. He believes the site should be maintained and mentioned on the southern portion of the property there were a lot of temp buildings that cause a drainage issues on the campus. He mentioned that his lot gets flooded every time it rains. He has talked to the PUSD maintenance department and was told that the property was on a list to have those temp buildings removed and it his understand that the school district has only

removed half of the temp buildings on the list. He also stated that PUSD did not properly notify the neighbors that a school was coming back to the neighborhood. Overall he would just like the area to be maintained and is concerned with parking. He is in favor of multi-use that contains an open space as this would benefit the community. Lastly he mentioned that the San Gabriel school district did exchange school property for a park.

- Daniel lives right across the street. His biggest concern is parking. He mentioned multiple instances where cars block his driveway. He requested thoughtfulness on behalf of Stratford when it comes to parent drop off and parking to eliminate the inconveniences to the resident that live there. He would like the site to be used as a public park if not going to be occupied by another school or housing just no apartments.
- Joe Kaplan has two daughters in PUSD and lives in Altadena. Thinks that not having sale of the property on the priority list is quite limiting and believes it should be put back on the priority list.
- Brandie Grasse children used to attend Hamilton but now attend Stratford school because it offered a better opportunity than what Hamilton school was providing to her children. As a Pasadena resident they want to send their kids to the best school possible and that there are problems in the public school system. She would like Stratford to stay and sees a benefit for both Stratford school and PUSD and ultimately the kids that attend the school.
- Barbie Ishida would like to see another school with a program in it. For example a farm to table school. She would like to see a school that starts out with 6 to 8th grade because the district starts losing students around that time. She believes having a school that is focused on middle school using a sustainable school model would work in this district. She would not like to see the school leased for the next 10 years until a new program that can be used on the site. Specifically a school that uses environmental practices.
- Community member would like to see a school or affordable housing in the neighborhood just not condos. Does not want to see anything that does not enhance the overall neighborhood.
- Public hearing comment section closed at 7:15pm
- 2nd public hearing comment section opened at 7:33pm
 - Community member is interested if the district will place a use provision on the property. Limiting the use of the property in the future
 - Community member asked if they're there was a highest and best use that the property that is mandated by the state. Answer is no, because the property would have to go to bid. Committee member is also very

concerned with parking and traffic control. Answer; the district requires a parking study to be done on all school site locations.

- 2nd public hearing comment section ended at 7:45pm
5. APPROVAL OF MINUTES OF MARCH 1, 2017 MEETING
- Minutes were approved as submitted. Motion made by Mr. Watson Seconded by Mr. Tan Vote 5 to 0

6. DISCUSSION OF BURBANK PROPERTY

- a. Legal counsel went over information regarding the Burbank Property.
- Property address was provided
 - The programs that are housed at the Burbank site were identified
 - A map was described to show what is currently happening on the site. Programs on the site are Pasadena Mental Health which is grant that will end. The second program is the Hodges pre-k/ special education program. This is program that is held on this site but services are provided a student home school site. Last program is a License agreement for Stratford schools.
 - Enrollment was discussed for the special needs program in the district and that enrollment is 2,690.
 - Sites were identified that would be able to house the programs at Burbank Elementary School and that additional capacity to house additional students in the district. There are about 15 schools that have capacity to take additional students.
 - Total enrollment for the entire school district is 18,133.
 - The priority use list was explained to the audience members at the request of the committee.
 - Questions regarding the process and the overall committee's role were taken and addressed by legal counsel.
 - Committee member George Tan felt that the committee has already discussed the property in detail and wanted to focus on the priority list
 - Committee member Blair Miller wanted for clarification of the priority use list and the issue of not including specific uses that they do not want to see the property used for. Also wanted the more clarification on the waiver process vs the public bid and just accepting the highest bidder.
 - Committee member bill Creim states that is this first time he has heard about the wavier and how detailed they can be on the priority list.
 - Legal Counsel explains the waiver process and that it is something that is discussed during the report process that the committee has not started. It is also explained that the uses that the committee does not want to have can be added to the report or can choose not to have it in the report
 - Committee member Lewis Watson mentioned that we have talked around the edges of the wavier process but have not really had the larger discussion but wanted to the committee to know that the waiver process is not a new process.
 - Committee member Blair Miller encourages the committee to voice their opinions to the decision makers at PUSD and to get other people in the committee involved in the process.

- Committee member Bill Creim encourages the committee to let the district know if there are any other entities that are interested in the school site. Legal counsel lets committee know that the helping the district find potential school user is outside of the committee scope.
- Committee member Kathleen Sanchez asked for timeline breakdown of when the draft report will be completed.
- Committee is wondering if sale should be put back on the priority school list
- Committee member Lewis Watson says that sale should be put back on the list
- Committee member Kathleen Sanchez says that sale should not be considered because she knows firsthand how district regret the sale of property because they typically cannot afford to buy it back.
- Committee member George Tan says that sale should be back on the list because it gives the district options
- Committee member Blair Miller and Bill Creim also believe that sale should be placed back on the list but as the lowest priority. No decision was made to change the list without all the members input.
- At the close of the meeting the committee discusses other options of notifying the community of the next public hearing.

7. DEVELOPMENT OF PRIORITY USE LIST / ACTION

- a. No change to the approved of Priority Use List
- First priority to lease.
 - Maintain status quo

8. ESTABLISH DATE / TIME FOR FIRST PUBLIC HEARING ON BURBANK PROPERTY

- a. Set meeting date during which the public can express itself regarding the Burbank property.
- b. Agreed Date and Time for last public hearing will be on June 7, 2017 at Burbank Elementary School, Auditorium at 6:00pm

9. DEVELOPMENT OF DRAFT REPORT

- a. Establish subcommittee to review / revise draft Report
- Ms. Miller stated that they would have a draft report for view at the next meeting date on May 24, 2017. The finalized draft would be discussed at the last public hearing on June 7, 2017.

10. DISCUSSION OF TIMELINE AND NEXT COMMITTEE MEETING / ACTION

- a. Motion by Blair Miller Seconded by Bill Criem Vote 5 to 0

- Next meeting May 24, 2017 at 6:30 p.m.

11. COMMENTS FROM COMMITTEE MEMBERS

- No comments from the committee members.

12. ADJOURNMENT the meeting adjourned at 8:00 p.m.

DRAFT

PASADENA UNIFIED SCHOOL DISTRICT
SURPLUS PROPERTY “7-11” ADVISORY COMMITTEE
(Burbank Property)

FINAL REPORT AND RECOMMENDATION

June 7, 2017

Submitted by: Francis B. Boland
William Creim
Blair L. Miller, Co-chair
Mark C. Nicoletti, Chair
Kathleen M. Sanchez
George L. Tan
Lewis R. Watson

District Liaison: Jessica Frazier , Construction Specialist

Legal Counsel: Constance Schwindt, Esq., Atkinson, Andelson, Loya, Ruud & Romo
Stephen McLoughlin, Esq., Atkinson, Andelson, Loya, Ruud & Romo

Background & Process

Introduction and Process

Pursuant to Education Code Section 17388, *et seq.* (the “**Code**”), before excess real property is sold or leased, the governing board of a school district must appoint a district advisory committee (“**Advisory Committee**”) to advise the governing board (“**Governing Board**”) on the disposition of such property. The Code requires that the Advisory Committee be composed of not less than seven (7) nor more than eleven (11) members and must be representative of specific groups within the community. The Advisory Committee must consist of not less than seven (7) and not more than eleven (11) members, and must be represented by each of the following: (a) the ethnic, age group, and socioeconomic composition of the District; (b) the business community, such as store owners, managers, or supervisors; (c) landowners or renters, with preference to be given to representatives of neighborhood associations; (d) teachers; (e) administrators; (f) parents of students; and (g) persons with expertise in environmental impact, legal contracts, building codes, and land use planning, including, but not limited to knowledge of the zoning and other land use restriction of the cities or cities and counties in which surplus space and real property is located. The Advisory Committee's task is to review data to determine the amount of surplus space or real property available, establish a priority list for its use, provide community input on acceptable uses, and forward its recommendations to the Governing Board.

In 2016, the Governing Board of the Pasadena Unified School District (“**District**”) took action and approved the appointment of an Advisory Committee. Based upon Governing Board’s authorization, the District appointed the following individuals to the Advisory Committee:

- | | | |
|----|---------------------------|---|
| 1. | Francis B. Boland | Landowner/renter - Category (c) |
| 2. | William Creim | Attorney - Category (g) |
| 3. | Blair L. Miller, Co-chair | City of Los Angeles Budget Office - Category (g) |
| 4. | Mark C. Nicoletti, Chair | Business Owner/Attorney/Landowner - Categories (b),.(c) & (g) |
| 5. | Kathleen M. Sanchez | Administrator - Category (e) |
| 6. | George L. Tan | Teacher - Category (d) |
| 7. | Lewis R. Watson | Parent /Teacher - Categories (d) & (f) |

Therefore the committee consists of eight (8) individuals meeting all the required categories of representation.

Between February 1, 2017 and June 7, 2017, the Advisory Committee held seven (7) public meetings, including three (3) public hearings, for the purpose of determining whether the Property (as defined below) should be declared “surplus,” and, if so, to establish a priority list of uses of the Property that would be acceptable to the community.

Property Reviewed and Background Information

The Governing Board appointed the Advisory Committee for the purpose of review the following District owned property (the “**Property**”):

Approximately 4.25 acres of land located at 2046 Allen Avenue, Altadena, California 91001, improved by a building (the “**Building**”) consisting of approximately 40,113 square feet of space, and commonly known as the former Burbank Elementary School. The Property is depiction on **Exhibit A**, which is attached hereto.

The Property, which had been used as an elementary school until closed following the completion of the 2010-2011 school year, is presently being utilized for the following purposes:

- (1) general office space for the administrators of a special education program run by the District for approximately 2,690 students who attend other schools in the District,
- (2) general office space for the administrators of a mental health program run by the District for students who attend other schools in the District, and
- (3) a private school campus operated by Stratford School, Inc. (“**Stratford**”), pursuant to short term license agreement with the District (the “**Stratford License**”).

With respect to the foregoing, it should be noted that:

- (A) Students in the special education program described in (1) above only visit the Property periodically to receive certain limited services from 50 staff members located at the Property. Additionally, if the Property is declared to be surplus, and subsequently disposed of, such special education program could be relocated to other District sites, including Franklin Elementary School, 527 W Ventura Street Altadena, California, 91001 and Hodges Children Center, 136 W. Peroia Street Pasadena, California, 91103.
- (B) The Property will no longer be utilized by the mental health program described in (2) above when the grant that supports such mental health program expires in 2018.
- (C) Stratford has expressed an interest in entering into a long-term lease with the District for the continued use of the Property as a private school campus.

Before the Property, or any portion thereof, can be disposed of, the Governing Board must first decide whether the Property, or any portion thereof, is surplus property. In connection therewith, the Governing Board has appointed the Advisory Committee to seek the input of the community and make recommendations to the Governing Board based on such input.

Public Meetings

The Advisory Committee held public meetings on, February 1, 2017, March 15, 2017, March 29, 2017, April 26, 2017, May 10, 2017, May 24, 2017, and June 7, 2017 to discuss whether the Property should be declared to be surplus property and, if so, to establish a priority list of uses of the Property that would be acceptable to the community. The public meetings held on April 26, 2017, May 10, 2017, and June 7, 2017 were properly noticed public hearings, which took place at the Property, in the auditorium.

During the public meetings, the Advisory Committee reviewed current and projected District wide enrollment and capacity, discussed whether the District has a need and/or use for the Property, and uses for the Property that would or would not be acceptable to the community. The Advisory Committee also discussed additional background information, including the current use of the Property by Stratford pursuant to the Stratford License.

Additionally, during the public hearings, certain members of the general public expressed concern about potential use of the Property as a private or charter school because they were opposed to the privatization of public resources, they would like the Property to remain available for public uses, and they were concerned about the future needs of the District. Other members of the general public supported the continued use of the Property as a private school by Stratford or another responsible long-term educator, or the sale of the Property by the District to provide funds for other purposes.

Several other ideas proposed at the public hearings were:

- 1) Opening a new public elementary school with a special focus that would attract students who live in the District but who presently attend a private school, including a Science Technology Engineering and Math (“STEM”) program, a Dual Language Immersion program, or a combination of both or some other innovative program .
- 2) Using the Property for the housing of teachers.
- 3) Using all or a portion of the Property as a public park (and/or ensuring that community retain access to the playground for neighborhood children.

Additionally, the Advisory Committee had the following concerns:

- (A) That the Governing Board, in making its final determination, would consider what is in the best interests of the community and students of the District.
- (B) That the Governing Board, in making its final determination, would consider uses that allow for professional development of the District’s staff and/or teachers.
- (C) That the Governing Board, in making its final determination, would explore more creative ideas regarding the use the Property, including the ideas proposed by the general public at the public hearings.

The Priority Use List that was circulated prior to the public hearings on April 26, 2017, May 10, 2017, and June 7, 2017 are attached hereto as **Exhibit B**. A summary of the meetings and the items discussed, testimony, and information reviewed by the Advisory Committee, including a copy of the PowerPoint presentation that was presented at each public hearing are attached hereto as **Exhibit C**.

Consideration and Impacts

The Advisory Committee considered, and was influenced by, the following:

1. comments from the community;
2. statistics regarding the District enrollment history and forecast; and
3. personal experience.

The Advisory Committee also discussed the option of seeking a waiver from the State Board of Education (“SBE”), which would allow for direct negotiations with interested entities for the lease or sale of the Property instead of requiring a public auction. The Advisory Committee considered the waiver and made the following Recommendation: **[NEED TO PICK ONE]**

[The Committee felt that seeking a waiver was acceptable and that direct negotiations could be beneficial rather than holding a public auction.]

or

[The Committee decided that seeking a waiver was acceptable as long as the District does not seek to waive Education Code Section 17464(c) that requires the District to provide certain public agencies with notice of the District’s intention to dispose of the Property. If any of the notified public agencies are interested in the Property, they can provide a response to the District and the District must engage in negotiations with the interested public agency for ninety (90) days. If the District does not reach an agreement with the public agency, it can proceed with direct negotiations pursuant to the waiver.]

or

[The Committee discussed a waiver and decided that it would not make a recommendation to the Board regarding it.]

Final Determination & Recommendation

After careful consideration and deliberation, the Advisory Committee determined that the Property should be declared surplus property. Accordingly, the Advisory Committee recommends to the Governing Board that the Property should be disposed of in accordance with the Priority Use List adopted by the Advisory Committee.

EXHIBIT A

[Depiction of Property]

EXHIBIT B

[Copies of the notices of Public Hearings]

EXHIBIT C

[Meeting Minutes for Each Meeting]