

CYPRESS SCHOOL DISTRICT  
Cypress, California 90630

“7-11” SURPLUS PROPERTY ADVISORY COMMITTEE

November 2, 2011

6:30 p.m.

Board Room

UNAPPROVED MINUTES

The third meeting of the "7-11" Surplus Property Advisory Committee convened at 6:34 p.m., November 2, 2011. Persons in attendance are listed below:

Chris Barnes, Community member and member of Cypress Education Foundation Board  
Maureen Clair, Certificated employee and President, Association of Cypress Teachers  
Michelle Hohmann, Community member and member of Citizens' Oversight Committee  
Candice Kern, District parent and President, Cypress Council PTA  
Tim McLellan, District administrator, Assistant Superintendent, Business Services  
Steve Robbins, Community member and member of Citizens' Oversight Committee  
Donna Wittenberg, Classified employee and President, California School Employees Association  
Darrell Essex, Community member and former member Citizens' Oversight Committee

Dr. McLellan called the meeting to order and Mr. Robbins took roll. He asked committee members for a motion to approve minutes from the last meeting. On motion by Ms. Wittenberg, second by Mrs. Hohmann, carried unanimously, the minutes were approved as presented. One of the members of the audience, Mr. Howell, asked that the spelling of his last name be corrected, and that will be done.

Mr. Robbins then opened the public hearing on the Mackay Site Property at 6:36 p.m. There was no comment from the audience, and the hearing was closed.

Mr. Robbins opened the public hearing on the Dickerson Site Property at 6:37 p.m. Members of the audience expressed concern that they had not been aware this would be a public hearing. Dr. McLellan said that ads were placed in both local papers, and the agenda was posted at all the schools, District office, and online. Mrs. Howell noted that obviously the citizens of Buena Park do not care since no one is in attendance. Ms. Hood said that was incorrect, that she lived in the Dickerson neighborhood and those neighbors do care. The public hearing was closed at 6:38 p.m.

Mr. Robbins opened the public hearing on the District Office Site Property at 6:39 p.m. Cindy O'Malley said that it makes sense the District would use this property. She believes this would be a good place to start. She also noted her concern that there had not been a lot of publicity about this being a public hearing. Dr. McLellan again noted we posted the agendas to all meetings at each site and online and notified the local papers. Kay Stayton said that no one in her neighborhood was aware of the meeting. The public hearing was closed at 6:45 p.m.

Mr. Robbins opened the public hearing on the Cawthon Site Property at 6:46 p.m. Barbara Howell said that the neighbors were at one time told the District office would be moved to Cawthon. She

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believes it would be an ideal site for the District office. She also noted that Education Code says if the property is developed, it should be compatible to the surrounding property, which would mean one story single family homes. Ms. O'Malley said she is concerned about the loss of open space, which will have a negative impact on the city. The District can produce income in other ways, without making the city a less desirable place to live. Ms. Stayton said that children and families use the facility constantly. It is a precious refuge in the city and a community center would be a good use of the property. Two story houses would not be a good fit for the area and would impinge on the privacy of the current residents. Phyllis Campbell added that she has the same concerns. The only other park in the neighborhood is used by the Boys & Girls Club. Also, since Lexington was put through to Katella, traffic on Denni is terrible and additional housing would add to the congestion. The public hearing was closed at 6:50 p.m.

Mr. Robbins opened the public hearing on the Damron Site Property at 6:51 p.m. Carol Mercer said that the public hearing was not publicized adequately, and the community was not aware that this meeting was for the public hearing. Diane Webb asked if the committee members had been provided with copies of the letters from the District's attorney and the city's attorney regarding Measure D. Dr. McLellan said the committee had not been given those letters. Mr. Robbins added that the committee had a narrow focus specific to voting on the recommendation for property usage. Susan Anesi said she moved into the Damron area recently and is concerned about traffic. It is already heavy and will be worse with additional homes. She would like to see the property remain available for use by the children and families in the area. Ron Howell said he was looking at an enrollment chart shared at the last meeting and noted the inference is that there is a preponderance of children surrounding Cawthon and, if that is the case, why was the school closed? Dr. McLellan said this was information provided for the school closure committee, and the question posed was regarding a decision made by another committee. Mr. Robbins agreed that this was a decision made by another committee and not relevant to the decision being considered by this committee. Tara Grubb said she does not live adjacent to any of the property under discussion but lives in the City of Cypress near Oxford. She was also disappointed with the lack of communication with the general public, as she had just recently been made aware of this discussion. Everyone wants Cypress schools to be great. She appreciates the hard work of District staff and believes the community would be willing to sacrifice for their schools, as evidenced by the passage of the Measure M bond. A public school district needs to serve the community and represent their wishes, and she believes the majority of the community does not wish these schools to be sold. Four of the five councilmembers do not want the property sold. This decision will affect the entire city not just those who live within 500 feet of the affected properties, as the closed schools are still used daily and the decision is irreversible. She wondered why the District would spend \$500,000 to evaluate property for sale without knowing if Measure D will prevent that sale. Ms. Hood said that she lives in Buena Park and believes she keeps aware of what is going on in her community, but she did not know about this public hearing until just recently. She asked when the Board would meet next, and Dr. McLellan responded that the next meeting is November 10, 2011. The public hearing was closed at 7:07 p.m.

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Dr. McLellan reported on a question raised at the last meeting concerning the possibility of the land at the racetrack being developed. He said he spoke with city officials and they shared it is a PS track and there are no plans for housing, period. Mr. Essex said he is concerned that the District's interactions have been with city staff and not with the elected officials of the City Council. He said he has been told by a councilmember that they have had no direct interaction with the District regarding this issue. Mr. Essex would like to suggest that it would benefit the District to have the Board meet directly with the Council. Staff does not make the final decision and ultimately the decision lies with the City Council. Dr. McLellan said that as a representative of the Board of Trustees, he will take that suggestion to the Board. However, in February the administrative team met with the City Council and made a presentation regarding their intentions for the property usage, with a series of contacts following that presentation. The Board has made every effort to work with the city, and we want to continue to have a good relationship with the city.

Motion was made by Dr. McLellan that the priority uses for the Mackay Property are:

1. Lease of the Mackay Property pursuant to California law at the property's highest and best use value, in either the property's current or possible future entitled state(s), as may be allowed by applicable law;
2. Exchange of the Mackay Property pursuant to California law at the property's highest and best use value, in either the property's current or possible future entitled state(s), as may be allowed by applicable law;
3. Sale of the Mackay Property pursuant to California law at the property's highest and best use value, in either the property's current or possible future entitled state(s), as may be allowed by applicable law.

Motion was seconded by Ms. Wittenberg and carried on a 7-1 vote, with Mr. Robbins dissenting.

Motion was made by Ms. Wittenberg that the priority uses for the Dickerson Property are:

1. Lease of the Dickerson Property pursuant to California law at the property's highest and best use value, in either the property's current or possible future entitled state(s), as may be allowed by applicable law.
2. Exchange of the Dickerson Property pursuant to California law at the property's highest and best use value, in either the property's current or possible future entitled state(s), as may be allowed by applicable law.
3. Sale of the Dickerson Property pursuant to California law at the property's highest and best use value, in either the property's current or possible future entitled state(s), as may be allowed by applicable law.

Motion was seconded by Mrs. Kern and carried unanimously.

Motion was made by Ms. Wittenberg that the priority uses for the District Office Property are:

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1. Exchange the District Office Property pursuant to California law at the property's highest and best use value, in either the property's current or possible future entitled state(s), as may be allowed by applicable law.
2. Lease the District Office Property pursuant to California law at the property's highest and best use value, in either the property's current or possible future entitled state(s), as may be allowed by applicable law.
3. Sale of the District Office Property pursuant to California law at the property's highest and best use value, in either the property's current or possible future entitled state(s), as may be allowed by applicable law.

Motion was seconded by Dr. McLellan and carried on a 7-1 vote, with Mr. Essex dissenting.

Motion was made by Dr. McLellan that the priority uses for the Cawthon Property are:

1. Sale of the Cawthon Property pursuant to California law at the property's highest and best use value, in either the property's current or possible future entitled state(s), as may be allowed by applicable law.
2. Exchange of the Cawthon Property pursuant to California law at the property's highest and best use value, in either the property's current or possible future entitled state(s), as may be allowed by applicable law.
3. Lease of the Cawthon Property pursuant to California law at the property's highest and best use value, in either the property's current or possible future entitled state(s), as may be allowed by applicable law.

Motion was seconded by Ms. Wittenberg and carried on a 5-3 vote, with Mr. Robbins, Mr. Essex, and Mrs. Barnes dissenting.

Motion was made by Dr. McLellan that the priority uses for the Damron Property are:

1. Exchange of the Damron Property pursuant to California law at the property's highest and best use value, in either the property's current or possible future entitled state(s), as may be allowed by applicable law.
2. Lease of the Damron Property pursuant to California law at the property's highest and best use value, in either the property's current or possible future entitled state(s), as may be allowed by applicable law.
3. Sale of the Damron Property pursuant to California law at the property's highest and best use value, in either the property's current or possible future entitled state(s), as may be allowed by applicable law.

Motion was seconded by Ms. Wittenberg and failed on a 3-5 vote, with Mr. Robbins, Mr. Essex, Mrs. Barnes, Ms. Clair, and Mrs. Hohmann dissenting.

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Motion was made by Mrs. Barnes that the priority use for the Damron Property is to retain the current use. Motion was seconded by Mrs. Hohmann and carried on a 5-3 vote, with Dr. McLellan, Ms. Wittenberg, and Mrs. Kern dissenting.

Mr. Robbins opened comments from the committee stating that he knows the Board and staff are doing what is legally required to communicate with the public, but he would suggest they find additional ways to get information disseminated. He also suggested that the District office site be the first to be developed, with the Dickerson property second. Ms. Wittenberg asked what Mr. Robbins felt the District could have done differently to make contact with the community, and Mr. Robbins suggested we broaden the mailing area and do more with the local papers. Dr. McLellan shared we are already doing more than is legally required, as there is no requirement at all for community notification regarding this process. However, we have made good faith efforts to communicate by mailing to all homes within 500 feet of the property, sending notices home with all our students, posting everything online, and sending notices to the local papers. Mr. Essex noted that he recognizes all of this effort is above and beyond what is required. Mrs. Barnes said she believes that information needs to get to the homes of all the people in the neighborhoods of the affected properties, and even if this is an additional cost to the District, we need to go beyond the 500 feet. Mr. Essex further suggested the District might want to consider meeting at the school site on the property being discussed, if possible. Mrs. Hohmann thanked Ms. Grubb for her comments, stating that the committee appreciated the concerns people have regarding property values and traffic congestion. However, she also understands the District's need to be able to further the education of the students they serve. We have awesome schools and want to keep them. Mrs. Kern added her thanks to all who took the time to speak to the committee.

Dr. McLellan told the audience that the Board of Trustees cares about the community, but what is not always clear to the community is that the mission of the District is to provide the best education it can for the students they serve. The Board is not in the business of making parks but of educating children. The District has suffered a serious decline in enrollment and currently 68 percent of the homes in Cypress do not have children living in them. Although that could change, the District plan will allow us to handle an increased enrollment of 40 percent, which is very unlikely. To not look at these properties for a source of ongoing income but rather just leave them vacant like Mackay would be very poor stewardship of our resources. He added the District has proposed different ideas to the city to utilize our property, and they have said there is not an interest in open land. Mr. Essex noted that people come to Cypress for the open spaces and our outstanding schools. He believes staff may not reflect the desires of the City Council.

Mr. Robbins allowed for questions from the audience. Mrs. Howell asked how the foundation received funds from the senior housing development. Dr. McLellan said that this current plan does not need a foundation. However, the foundation was created many years ago to bring revenue into the District that could be used as part of the general fund. The District leased land from Cypress School for the senior development to a developer. We retain ownership and receive 60 percent of the profits into the foundation. Mr. Robbins added it is a vehicle for educational purposes only.

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Mr. Mercer said that with a \$5 million shortfall the District should be rallying the public to support education. He also noted he believes Education Code requires that any proceeds from the development of our property will have to be used for capital projects and will not be unrestricted. Dr. McLellan said there is an ongoing effort by educational organizations to put together a lawsuit, because the state is not providing funding we are legally entitled to receive. In regard to the usage of funds, we are following Education and Government Code requirements regarding what can be used as unrestricted funds. Ms. Wittenberg thanked the audience, noting it has been a very hard decision. She agreed with Mr. Mercer that citizens need to make their voices heard in Sacramento if we want to make change. We need to talk to our legislators and write letters to let them know it is not okay to make mandates that are not funded or mid-year cuts to budgets already approved, because it seriously impacts the education of our students. Elma Manos said she had attended every meeting and believes the District has an agenda and did not really come to the hearings with an open mind to hear community members.

Dr. McLellan said the next step following this evening’s vote is to take the committee’s recommendation to the Board. This will be done at the December 7, 2011 Board meeting. At that time the Board will consider the committee’s recommendation and make a decision. He thanked committee members on behalf of the Superintendent and Board of Trustees, for their time and consideration.

The meeting was adjourned at 7:55 p.m.

/jb