



Established 1877 — Over 125 Years of Educational Success

Governing Board Members

Mr. Shane Nielson, President ~ Mr. Ben Fobert, Clerk ~ Dr. Chris Cunningham ~ Dr. Atul Khanna ~ Dr. James Hiramoto

**Minutes of the Special Governing Board Meeting
Tuesday, August 4, 2009 – 6:30 P.M.
Board Room - 300 Legacy Drive, Mountain House, CA 95391**

- I. A special meeting of the Lammersville Elementary School District Governing Board was called to order at 6:30 P.M. by Board President, Mr. Shane Nielson.
- II. Adjourn to Closed Session at 6:30 P.M.
 - A. Conference with Legal Counsel Regarding Anticipated Litigation: Consideration of Initiation of Litigation Pursuant to Subdivision (c) of Government Code Section 54956.9.
- III. Reconvene to Open Session at 7:00 P.M.
- IV. Pledge of Allegiance – Mr. Shane Nielson, Board President.
- V. Board Members present included: Shane Nielson, Chris Cunningham, and James Hiramoto. Board Members absent: Ben Fobert, Atul Khanna. Others present were LESD staff.
- VI. Report of Action Take in Closed Session: No Action Taken in Closed Session.
- VII. Approval and/or Corrections to the agenda. Superintendent Hansen made two changes to the agenda:
Item IX.D. – Resignation of Kimberly Parrott.
Item X.C. – Change in total amount for F&H Construction Lease-Leaseback Contract.
It was moved by Trustee Nielson and seconded by Trustee Hiramoto to approve the agenda as presented. Motion carried with three (3) ayes with two (2) absent.
- VIII. Receiving of Public Comments.
- IX. Consent Items:
 - A. Revised Listing of Inter/Intra District Students for the 2009-2010 School Year
 - B. Offering Contracts to Certificated Teachers:
 1. Crystal Anderson – 8th Grade Teacher, BES
 2. Stacey Maslyar – 8th Grade Teacher, WES
 - C. Offering Contract to Classified Employees:
 1. Michael O'Loughlin – Director of Maintenance, Ops, Trans., 1 FTE
 2. Donald Burnette – Bus Driver, .5 FTE

These items had a motion to approve by Trustee Cunningham, second by Trustee Hiramoto with no discussion. Motion carried with three (3) ayes with two (2) absent.
- X. Governing Board Action Items:
 - A. Consider Approval of Fee Proposal from ANOVA Architects to Provide a Conceptual Site Utilization Plan for the Proposed New High School and Assist the District with the Unification Process as Needed, Not to Exceed Fees of \$10,000.**
This item had a motion to approve by Trustee Cunningham, second by Trustee Hiramoto with no discussion. Motion carried with three (3) ayes with two (2) absent.
 - B. Consider Approval of Governing Board Resolution 09-10-03 in Support of a Joint Petition for Reorganization of a Portion of the Tracy Joint Unified School district to Form a Lammersville Unified School District Within the Boundaries of the Lammersville Elementary School District.**
Harold Freiman spoke regarding unification petition possibility. All nine conditions have been met. This item had a motion to approve by Trustee Hiramoto, second by Trustee Cunningham with no discussion. Motion carried with three (3) ayes with two (2) absent.

C. Consider Approval of a Lease Lease-Back Agreement, Sublease Agreement and Related Documents with F & H Construction Company for the Sebastian Questa Elementary School Project, and Authorization for the Superintendent to take such Further Actions as May be Necessary or Appropriate to Carry Out the Project.

Public Comments:

1. Kevin Peters, Shea Mountain House: Mr. Peters said it is a pleasure working with Dale and Shea Mountain House is prepared to provide assistance and if money isn't available, Shea will still provide funding.
2. Gary Gibbs, Shea Mountain House & Gibbs and Associates: Mr. Gibbs stated that this is a good private partnership and it is 4th in line on the unfunded list. It looks like the District will receive another million dollars funded from Prop 1D for Bethany.
3. Duane Grimsman, Trimark Communities: Mr. Grimsman mentioned they have been a party to school mitigation that dates back to 1998. He said that Trimark has no desire to oppose or prevent construction of a school.
4. Jim Bowman, LDC/Shea Mountain House: Mr. Bowman said the owners are 1.2 billion dollars into this and are not going anywhere. Mr. Bowman presented an assurance letter from Shea Mountain House/CALPERS to fund any short fall for the Sebastian Questa Project. There will be a mutual agreement with Trimark or they will agree to disagree.

Superintendent Hansen reviewed the sequence of events that lead to his recommendation to build Questa Elementary before Altamont Elementary. The Lease Lease-back pricing was \$9 million less than anticipated due to the change in the economy. Mr. Hansen informed the Board that the Altamont design team was meeting tomorrow.

President Nielson moved that the Board approve F&H Construction Company as the lease-leaseback contractor of the Sebastian Questa Elementary School Project, with a guaranteed maximum price of \$22,380,638 for the Project, and authorize the Superintendent to negotiate and bring back to the Board the terms of a Lease-leaseback agreement, Site Lease, Sublease agreement and related documents with F&H Construction Company for the Project, second by Trustee Cunningham with no discussion. Motion carried with three (3) ayes with two (2) absent.

- XI. It was moved by Trustee Cunningham and seconded by Trustee Nielson to adjourn Open Session and return to Closed Session at 7:50 P.M.
- XII. It was moved by Trustee Cunningham and seconded by Trustee Nielson to resume Open Session and close the meeting on August 4, 2009, at 8:02 P.M.

Approved and ordered entered into the Proceedings of the District on August 26, 2009.

Mr. Dale Hansen
Superintendent/Secretary to the Board

Date

Accepted by: _____
Mr. Ben Fobert, Board Clerk

Date