

# Lammersville Unified School District

## Governing Board Meeting

Governing Board Members:

Mr. Ben Fobert, President; Dr. James Hiramoto, Clerk; Mr. Matthew Balzarini; Mr. David Pombo;  
Mrs. Micaela Vergara

**Wicklund Elementary School, Board Room  
300 Legacy Drive, Mountain House, CA**

**September 15, 2010 - 6:30 P.M.**

**Regular Meeting**

### Agenda

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- I. Call to order at \_\_\_\_\_ P.M.  
MOTION BY: \_\_\_\_\_; SECOND BY: \_\_\_\_\_; AYES: \_\_\_\_\_; NOES: \_\_\_\_\_; ABSENT: \_\_\_\_\_.
- II. Adjourn to Closed Session \_\_\_\_\_ P.M. ( Closed session is in regards to Personnel, and Negotiation Matters as permitted under Gov. Code § 54957, 54957.6, and 54957.1)  
MOTION BY: \_\_\_\_\_; SECOND BY: \_\_\_\_\_; AYES: \_\_\_\_\_; NOES: \_\_\_\_\_; ABSENT: \_\_\_\_\_.  
A. Conference with Legal Council Regarding Anticipated Litigation  
i. Initiation of Litigation Pursuant to Government Code § 54956.9 - One Matter
- III. Reconvene to Open Session \_\_\_\_\_ P.M.
- IV. Pledge of Allegiance - Mr. Ben Fobert, Board President
- V. Roll Call:  
Matthew Balzarini \_\_\_\_\_; Ben Fobert \_\_\_\_\_; James Hiramoto \_\_\_\_\_; David Pombo \_\_\_\_\_;  
Micaela Vergara \_\_\_\_\_;
- VI. Report of Action Taken in Closed Session:
- VII. Approval and/or Corrections to the Agenda.  
MOTION BY: \_\_\_\_\_; SECOND BY: \_\_\_\_\_; AYES: \_\_\_\_\_; NOES: \_\_\_\_\_; ABSENT: \_\_\_\_\_.
- VIII. Receiving of Public Comments: (The Board shall give members of the public an opportunity to address the Board either before or during the Board's consideration of each agenda item (Gove. Code Section 549453). At a time so designated on the agenda, members of the public also may bring before the Board, matters that are not listed on the agenda of a regular meeting. The Board may refer such a matter to the Superintendent of or designee or take it under advisement, but shall not take action at that time. The Board may place the matter on the agenda of a subsequent meeting for discussion or action. Presentations by the public shall be held to a reasonable length, normally not to exceed five (5) minutes)
- IX. Consent Items for Consideration:  
A. Approval of Governing Board Meeting Minutes  
i. Regular Meeting, August 25, 2010.....P. 1  
MOTION BY: \_\_\_\_\_; SECOND BY: \_\_\_\_\_; AYES: \_\_\_\_\_; NOES: \_\_\_\_\_; ABSENT: \_\_\_\_\_.
- X. District Administrative Reports  
A. Facilities.....Mr. Dale Hansen  
i. Summary of Educational Specification Committee Meeting Held on September 7, 2010  
B. Enrollment Report (To be provided at the meeting).....Mr. Dale Hansen

XI. Governing Board Reports:

XII. Action Items:

A. Consider/Approval of Adopting Lammersville Elementary Board Policies, Administrative Regulations, and Board Bylaws.

MOTION BY: \_\_\_\_\_; SECOND BY: \_\_\_\_\_; AYES: \_\_\_\_\_; NOES: \_\_\_\_\_; ABSENT: \_\_\_\_\_.

B. Consider/Approval of Lammersville Unified Preliminary Budget for 2010-2011.....P. 3

MOTION BY: \_\_\_\_\_; SECOND BY: \_\_\_\_\_; AYES: \_\_\_\_\_; NOES: \_\_\_\_\_; ABSENT: \_\_\_\_\_.

C. Consider/Approval of Authorizing the District Superintendent to Negotiate a Lease Agreement with Trimark Communities, LLC. And Shea Mountain House, LLC. For District Office Facilities.

MOTION BY: \_\_\_\_\_; SECOND BY: \_\_\_\_\_; AYES: \_\_\_\_\_; NOES: \_\_\_\_\_; ABSENT: \_\_\_\_\_.

XIII. Information and Discussion Items:

A. Developing a Transportation Plan for Lammersville District High School Students to Tracy Unified for the 2011-2012 School Year.....P. 4

B. Establish a Date to Review Board Policies for Grades 9-12

C. Letter to Mountain House Community Services District in Response to the Transfer Agreement of 5.82 Acres for a District Corporation Yard.....P. 5

D. Letter to bfgc-IBI Group Architects.....P. 6

XIV. Calendar:

A. Thursday, September 23<sup>rd</sup>.....District Science Night – Bethany School 6:30 P.M.

B. Wednesday, October 20<sup>th</sup>.....Regular Governing Board Meeting 6:30P.M.

XV. Adjourn to Closed Session: \_\_\_\_\_P.M. If Needed.

XVI. MOTION BY: \_\_\_\_\_; SECOND BY: \_\_\_\_\_; AYES: \_\_\_\_\_; NOES: \_\_\_\_\_; ABSENT: \_\_\_\_\_.

XVII. Reconvene to Open Session to Report Action(s) Taken in Closed Session: \_\_\_\_\_P.M.

XVIII. Adjournment of Regular Meeting, September 15, 2010 at \_\_\_\_\_P.M.

MOTION BY: \_\_\_\_\_; SECOND BY: \_\_\_\_\_; AYES: \_\_\_\_\_; NOES: \_\_\_\_\_; ABSENT: \_\_\_\_\_.

AMERICAN WITH DISABILITIES COMPLIANCE NOTICE: In compliance with the Americans with Disabilities Act, those requiring special assistance to access the Board of Trustees meeting room, to access written documents being discussed at the Board meeting, or to otherwise participate at Board meetings, please contact Mrs. Noel Balzarini at (209) 836-7400. Notification at least 48 hours prior to the meeting will enable the District to make reasonable arrangements to ensure accessibility to the Board meeting and to provide any required accommodation, auxiliary aids or services.

DOCUMENT AVAILABILITY: Documents provided to a majority of the Governing Board regarding an open session item on this agenda, including documents distributed to the Board less than 72 hours in advance of a board meeting are available for public inspection at the front desk of the District offices located at 300 Legacy Drive, Mountain House, CA 95391 during normal business hours.

09-15-10  
 XII. B.

Object Description	Original Contract Amount	Unaudited Actuals 2009-10	Budget 2010-11	Budget 2011-12	Budget 2012-13
<b>Revenues</b>					
Beginning Balance, 7/1		\$ -	\$ 2,924,393.00	\$ -	\$ -
8660 Interest		-	5,000.00		
8799 Transfer in from All Others		3,000,000.00	-	-	-
<b>Total Revenues</b>		<b>3,000,000.00</b>	<b>5,000.00</b>		
<b>Expenses</b>					
1900 Other Certificated Salaries		-	100,000.00		
2000 Classified Salaries		-	30,000.00		
3000 Benefits		-	-		
<i>Certificated Benefits</i>		-	12,280.00		
<i>Classified Benefits</i>		-	6,222.00		
5809 Contracted Services					
<i>Total School Solutions - Unification</i>	341,800.00	38,250.00	303,550.00	-	-
<i>Total School Solutions - HS Design</i>	7,500.00	7,500.00	-	-	-
5810 Legal Fees					
<i>Lozano Smith - Unification</i>		19,857.00	30,000.00	-	-
6200 Buildings & Improvements		-			
6214 Other Planning Costs					
<i>Anova Architect</i>	10,000.00	10,000.00	-	-	-
6215 DSA Plan Check Fee		-	350,000.00	-	-
6217 CDE Plan Check Fee		-	60,000.00	-	-
6281 Architect/Engineering Fees		-	2,037,341.00	-	-
6283 Tests		-	-	-	-
<b>Total Expenses</b>		<b>75,607.00</b>	<b>2,929,393.00</b>		
<b>Ending Balance, 6/30</b>		<b>\$ 2,924,393.00</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>

**Lammersville Unified School District**  
**Governing Board Meeting**

09-15-10  
XIII. A.

Governing Board Members:

Mr. Ben Fobert, President; Dr. James Hiramoto, Clerk; Mr. Matthew Balzarini; Mr. David Pombo;  
Mrs. Micaela Vergara

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**Transportation**

2010-2011 High School Transportation Information

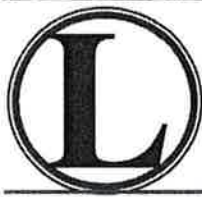
Tracy Unified Transports:

280	Students
8	Buses
\$360	Student Charges per Year
\$264,600	Total Cost

Inventory	Bus Type	Wholesale Value	# of Passengers
2003	Blue Bird CNG	\$30,300	84
2007	Blue Bird Diesel	\$60,400	60
2009	Blue Bird Diesel	\$81,800	50
2009	Blue Bird Diesel	\$81,800	50
2009	Blue Bird Diesel	\$81,800	50
2010	Blue Bird Gas	\$91,300	50
2010	Blue Bird Gas	\$91,300	50
2010	Blue Bird Gas	\$91,300	50
2010	Blue Bird Gas	\$91,300	50

Options for Student Transportation 2011-2012

1. Transfer ownership of all buses to Lammersville
  - a. Transport all high school students at our expense
2. Contract with Tracy Unified to transport
3. Trade 3 buses in exchange for transportation for one year



LAMMERSVILLE ELEMENTARY  
SCHOOL DISTRICT

Dale H. Hansen  
Superintendent



09-15-10  
XIII, C.

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

September 9, 2010

Hand Delivered

COPY

**SENT**  
9/9/10

Mr. Paul Sensibaugh  
General Manager  
Mountain House Community Services District  
230 S. Sterling Drive  
Suite 100  
Mountain House, CA 95391

Re: Lammersville School District Maintenance Yard

Dear Mr. Sensibaugh:

At the August 11, 2010, meeting of the Mountain House Community Services District's (CSD) governing board, the board adopted a resolution authorizing the transfer of approximately five acres to Lammersville School District (LSD) for a school maintenance yard. LSD's Governing Board met on August 25, 2010, to consider acceptance of the property dedication from the CSD. The purpose of this letter is to notify the CSD's Board of Directors that LSD respectfully is unable to accept the dedication of property until certain issues are clarified.

The CSD Board's proposed grant deed includes two express conditions which are not mentioned in the Master Plan or Specific Plan I, nor which the CSD has yet discussed with us. The first condition requires LSD to share, on a proportional basis, the maintenance of the access drive located along the westerly boundary of the property. In relation to that condition, we would request some more information and clarification regarding exactly what commitment is sought from the District.

The second condition is a reversionary interest held by the CSD which automatically reverts the property back to the CSD if LSD ever ceases to use the property for school purposes. Section 5.1.2, subsection (d) of the Master Plan requires final school district approval for all school facility plans and requirements. At this time, I am not authorized to agree to this condition. I would be happy to discuss this further with you.

Please feel free to contact me should you have any questions. I look forward to discussing the terms of property dedication for a school maintenance yard with the CSD.

Sincerely,

Dale Hansen  
Superintendent

cc via e-mail: LSD Governing Board Members  
CSD Board of Directors



LAMMERSVILLE ELEMENTARY  
SCHOOL DISTRICT



Dale H. Hansen  
Superintendent

09-15-10  
XIII. D.

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

September 2, 2010

Sent via E-mail and Certified U.S. Mail

Mr. Dean Tatsuno, AIA  
BFGC - IBI Group  
150 South 1<sup>st</sup> Street – Suite 200  
San Jose, California 95113  
e-mail: deant@bfgc-ibigroup.com

SENT  
via mail / cert mail  
9/2/10

Re: Sebastian Questa K-8 School Project  
Completion of Project; Contractor's Claims for Additional Compensation

Dear Mr. Tatsuno:

As you must know, it is critical to complete the work of a public project as soon as possible to limit any potential claims for delay and extra work. The longer a project remains unfinished, the more damages could be claimed by parties, thus making financial closeout of the project very difficult. However, BFGC, in its inaction, appears to ignore this important goal.

In addition, a dispute that arose in mid-July remains unresolved and continues to delay completion indefinitely. The play structure area was graded at 6% or more based on a detail in BFGC's design, rather than at 2% as required by the DSA inspector and installation requirements. F&H and the District have asked BFGC to address this issue so the project may be completed as soon as possible, but in response BFGC merely said that this issue is a "non issue". To the contrary, this issue is very important since every day that it remains unresolved adds a day to the completion of the project. The project inspector, the DSA inspector and the equipment subcontractor all state that the grades in excess of 2% are not acceptable, so installation of the play equipment obviously cannot proceed until BFGC clarifies the requirements of the DSA and installer. BFGC needs to assure all parties that installation will result in DSA approval and a warranty from the contractor. If modifications to the as-built conditions are necessary to obtain DSA approval and a warranty, then BFGC must design such modifications, obtain DSA approval, and issue them to the contractor.

Needless to say, all of this work by BFGC must be done expeditiously to minimize the on-going delay to project completion. Bill Holl mentioned last Friday that he had submitted documentation to DSA seeking approval of the existing slopes. We are glad to hear that a solution has been proposed to the DSA (but we remain concerned that it took 1½ months to submit it). Please forward a copy to me of BFGC's submittal to DSA, and also please advise when you expect a response. When you receive a response, please forward it immediately to all parties and advise what should be done next.

In your June 18, 2010, letter, you asked that BFGC be allowed "to focus our current efforts on the completion of the construction of the school." Unfortunately, it appears that BFGC has not been focused on completion at all. Due to BFGC's past inattention to the project, the District must insist that BFGC now make completion of this project its highest priority.

In addition to issues of expedited completion, BFGC has failed to respond regarding BFGC's liability for additional costs. My letter on June 16, 2010, discussed the issue of additional compensation being

claimed by the contractor on this project (F&H Construction) based on errors and omissions by BFGC, and BFGC's resulting liability to the District of \$261,002.94. You responded on behalf of BFGC on June 18, 2010, by agreeing that some amounts were not "added value" and were therefore the responsibility of BFGC. You also indicated that you would complete your responses "as soon as possible."

However, it has been more than two months and BFGC has not provided any analysis of a single issue. BFGC has also failed to respond to the District's demand for defense and indemnity on these issues under the agreement between BFGC and the District, despite the District's specific request for a response by June 30, 2010.

For these reasons, the District demands a pre-mediation meeting with BFGC, pursuant to Article XIX.B. of the agreement, in an effort to resolve the amounts in dispute. This meeting must take place within 30 days of this letter, as required by the agreement and as necessary so change orders can be finalized. Please let us know dates on which BFGC representatives are available to meet.

Thank you for your immediate attention to these matters.



Dale H. Hansen  
Superintendent

cc: Dennis Dunston