

SOLEDAD UNIFIED SCHOOL DISTRICT
SPECIAL BOARD MEETING
OF THE GOVERNING BOARD
Curriculum & Instruction Building
1261 METZ RD., SOLEDAD, CA 93960
WEDNESDAY, OCTOBER 2, 2013
MINUTES

I. OPENED BUSINESS – 4:00 P.M.

A. Called Public Session to Order

B. Roll Called

Mr. Fabian M. Barrera, President

Mr. Edward Lopez, Vice-President

Mrs. Gloria Ledesma, Clerk

Mrs. Marie Berlanga, Trustee

Mr. Lucio Rios, Trustee

Dr. Rupi Boyd, Secretary to the Board

C. Allowed for Public Comment

1. Alxis De La Rosa, Kindergarten Teacher at Jack Francioni, addressed the Board regarding concerns about the district's implementation of the Full Day Kindergarten this year. She felt it was a rush deal to start implementing the full day K for the students, parents and teachers. They have a lot of their plates and moving into the Common Core and trying to figure that out. With classes being 27-28 students, they don't have another teacher partner; they have concerns about prep involved, they have many questions and would like them to defer implementation for the following school year and not do it in the middle of this school year.
2. Lisa McGowne, Teacher at Jack Francioni Elementary also shared the same feelings and concerns and Mrs. De La Rosa. She said she would like to visit other districts that have these types of programs and be better prepared for next year.
3. Joseph Ledesma, a Kindergarten Teacher at Jack Francioni said that they already have early/late bird program. He was concerned about having 28 students one to one in order to have quality instruction. He said he was under the understanding that their scores were pretty good and now he hears they are not. No one ever told them that the students were not ready for first grade. He also asked that the Board not implement the full day Kindergarten this year.
4. Laura Tucker, also spoke to the board about her experience as a Kindergarten teacher for nine years and working with different types of Kindergarten models and some she did not enjoy because you have

to have support in classroom; before it was one teacher and a paraprofessional; that is important. Instruction time is in the morning; then one has to add to add nap time, play time, and social time. She said that the model already being used is difficult enough. She asked that the Board look carefully at the model being considered and how it will impact students. She said that you don't get good instruction in the afternoon because students are tired.

5. Natalie Keller a Teacher at Rose Ferrero also addressed the Board and said that Carol Ann Moreno and she already teach transitional Kindergarten. Mrs. Keller said that she would like to see a working model of what is being proposed and speak to those that have successful model before any implementation.
6. Lori Hunt, Kindergarten Teacher at Rose Ferrero said she was concerned with the writing components for full day Kindergarten. She said that she like smaller classes and teaching writing is very hard in K level and could not imagine teaching it full day. It was hard with 10 and 14 in the morning and extremely difficult without an aide. She also asked that they start at beginning of next year if we are going to do full day kindergarten.

II. OPENED SESSION

A. Approved the Board Agenda

A Closed Session portion was added at the end of the meeting to discuss personnel.

MOTION TO APPROVE AGENDA BY: Lucio Rios SECONDED BY: Edward Lopez AYES: Mr. Barrera, Mrs. Berlanga, Mrs. Ledesma, Mr. Lopez, Mr. Rios NAYS: None ABSENT: None

III. CONSENT ITEMS

A. Routine business transactions, annual renewal of programs, bid agreements, notices of public hearings and proclamations.

1. Approved an Agreement with the City of Soledad for a School Resource Officer.

MOTION TO APPROVE CONSENT ITEMS BY: Marie Berlanga SECONDED BY: Lucio Rios AYES: Mr. Barrera, Mrs. Berlanga, Mrs. Ledesma, Mr. Lopez, Mr. Rios NAYS: None ABSENT: None

IV. GENERAL BUSINESS ITEMS

- A. Construction projects, acceptance of bids, major purchases, major policy and/or procedures.
1. Authorized to request for proposals (RFP) for a Food Service Management Company.

MOTION TO APPROVE CONSENT ITEMS BY: Gloria Ledesma SECONDED BY: Edward Lopez AYES: Mr. Barrera, Mrs. Berlanga, Mrs. Ledesma, Mr. Lopez, Mr. Rios NAYS: None ABSENT: None

V. NEW MIDDLE SCHOOL DISCUSSION & STUDY SESSION

The Board of Trustees met to discuss the bond and priorities for the new middle school with Mr. Sam Santana, Attorney from Dannis Woliver Kelley. Also in the public were, Mr. Jorge Z. Guzman, Associate Superintendent of Ed Services; Mr. Scott Lathrop, CBO; Mr. Jack Franscioni, Community member, Mr. Barry Schimmel from Vanir.

Mr. Santana reviewed the following with the Board:

- What the permissible use of the bond funds were;
- Prop. 39
- "Contract" with the Voters
- Reviewed Measure C Statement
- Permissible Use of the Bond money
- Property Acquisition Options:
 1. Existing Site – Demolish the old building and build up on the existing property. This would be done in stages.
 2. City Property - Joint Use is most appropriate for a use of space in "operating school buildings," such as vacant classrooms. There is land by Gallardo Park. Then District had discussions with the City and it would also require closing some streets to cut down on the traffic.
 3. New Site Acquisition. Discussions took place about approaching Mr. John Hambey to see if he would be interested in donating land and naming the school after him and/or his family. There would be initial studies that would be required to make sure the land is safe to build a school. The district would need approximately 14 acres. The existing middle school is located on 13.5 acres.

Direction from the Board: After some lengthy discussion it was agreed that Dr. Boyd would meet with Mr. Hambey to see if he would be interested in donating the

land; if not, then the new school is to be located on the Main Street Middle School Property on the corner of Market & Main by the current play fields.

Points to keep in mind:

- Keep the school in the style of the theme of the City, with the Mission.
- Accommodate a gym
- Build up to be able to keep playing fields
- Parking for staff, parents and visitors
- Possibly use the bricks on the current building in the new building for historical purposes

Trustee Lopez asked what other use of facilities was the City requesting since he has seen that we already let them use them for the Little Leaguers. Dr. Boyd said that they are interested in using Frank Ledesma & Jack Franscioni Fields for their Pony and Little Leagues. But it would require lighting and securing the fields. Dr. Boyd has asked the City to submit a written proposal to the district. Dr. Boyd also mentioned that the city wants the use of the high school; but she could not commit to that because our high school is already being used by our students all the time; but she was willing for them to use the other schools, with the right proposal. These own kids and it would be a win, win for both sides.

- Consultant Selection

- ✓ Options under Government Code 53060; hire without a selection process; some do RFP PROCESS
- ✓ Hiring someone internally as a construction manager
- ✓ Construction and project manager are pretty much the same. The role is to be representative on that project for the district. They deal with change orders, contracts and are the eyes and ears on the project.

Direction from the Board was to go out for RFP for a Construction Manager.

- Project Delivery Methods:
 - ✓ Design-Bid-Build
 - ✓ Lease-leaseback
 - ✓ Multiple prime contracting
 - ✓ CM at Risk
 - ✓ Design-Build
- Can choose one or several methods for projects
- Design-Bid-Build
 - General Contractor is responsible for delivery of project
 - ✓ Selection: lowest responsive, responsible bidder

- ✓ Checks: Architect reviews submittals, RFIs, and pay applications;
- ✓ Project Inspector monitors compliance with DSA-approved plans
- ✓ PM/CM optional check, less need for expertise

- Lease-leaseback
 - Developer is responsible for delivery of project
 - Selection: usually RFP
 - Checks: Architect reviews submittals, RFIs, and pay applications; Project Inspector monitors compliance with DSA-approved plans
 - PM/CM optional check, less need for expertise

- Multiple prime contracting
 - District is responsible for delivery of project
 - Selection: competitive selection for CM; lowest responsive, responsible bidder for trade contractors
 - Checks: Architect reviews submittals, RFIs, and pay applications; Project Inspector monitors compliance with DSA-approved plans
 - CM recommended unless District has experienced and sufficient staff to coordinate trades
 - PM optional check

- CM at Risk
 - CM is responsible for delivery of project
 - Selection: lowest responsive, responsible bidder
 - Checks: Architect reviews submittals, RFIs, and pay applications; Project Inspector monitors compliance with DSA-approved plans
 - CM required by definition
 - PM optional check

Lease-Leaseback in Summary

- The Builder is selected by qualifications, not low bid.
- Builder provides a Guaranteed Maximum Price.
- Traditionally, included a significant financing component.
- Possible legal challenges (but none in recent years, and none ever upheld.)

Lease-Leaseback vs. Traditional Construction

Structurally, the relationship between the District and the Builder do not appear significantly different between the two methods.

But, there are significant differences in process.

Process Comparison

Design-Bid-Build:

- Builder is selected by lowest bid.
- Design is completed before it is provided to potential builders (bidders).

Lease Leaseback:

- Builder is selected based on qualifications.
- Builder has early involvement with design.

LLB Process

- District competitively selects Architect to design project.
- District competitively selects Builder.
- Builder works with District and Architect during project design.
- Architect completes design and gets DSA approval.
- Builder lines up trade contractors and develops Guaranteed Maximum Price.
- Board awards LLB contract.
- District completes validation action (recommended).
- Builder constructs the project for the negotiated Guaranteed Maximum Price.

The 3 Contracts

Preliminary Services Agreement:

- Builder acts as a pre-construction consultant.

Site Lease:

- District leases the site to Builder.
- Terminates when Facilities Lease terminates.

Facilities Lease:

- Builder constructs facility per Plans and Specs.
- Builder leases the facility back to the District.
- Builder transfers title of the facility to the District upon final payment.

Payments

- During Construction: Traditional structure: financing in place to fund interim payments. Option: tenant improvement payments, somewhat analogous to progress payments
- After Construction: Final lease payment(s). If there is no significant financing, analogous to post-completion final payment(s), including stop notice requirements

President Barrera asked Mr. Santana for all districts that he has represented; what was the % that go with built-build and LLB. Mr. Santana said that they were pretty much the same. You will be getting lower prices with built build than with LLB.

Trade back is that there is less of a chance of change orders and less chance of litigation. Someone may undercut a bid

Change orders can happen with LLB. Mr. Lathrop stated that he has been involved with both processes. The most recent was the LLB but the headaches were less. If you get the right contractor you can save a lot down the road. Trend is going towards LLB. In this area, there are two contractors rating pretty high with schools with this process.

Trustee Lopez commented about the problems Hartnell College had with the community about hiring union vs. non-union worker. He asked how this fell in this process. Mr. Santana mentioned that with LLB, the contractor would get the bids from subcontractors; the issue with Hartnell was more of a political issue. With the LLB process, the Board would only be selecting the contractor; they would not be involved with the subcontractors or who they hire, that would be the contractor's responsibility. You don't have any control over it. If you wanted to go that way you could include the wording in the RFP. You have option to reject bids.

Mr. Lathrop said there was a prevailing wage rule when the subcontractors hire their workers. It is essentially when the union gets bothered with the sub-contractors.

It was agreed by the Board to advertise to hire a Construction Project Manager and bring back the top three candidates to the Board.

VI. NEW BUSINESS

There were no new items of business

VII. ADJOURNED TO CLOSED SESSION – 5:45 p.m.

VIII. ADJOURNMENT

Meeting adjourned at 6:30 p.m.

Board approved November 13, 2013