



Fountain Valley School District

BOARD OF TRUSTEES
SPECIAL MEETING

AGENDA

Board Room
10055 Slater Avenue
Fountain Valley, CA

March 28, 2019

- CALL TO ORDER: 5:30PM
- ROLL CALL
- APPROVAL OF AGENDA

- PLEDGE OF ALLEGIANCE

M _____
 2nd _____
 V _____

SPECIAL PRESENTATIONS

1. RESULTS FROM GENERAL OBLIGATION BOND ISSUANCE

Assistant Superintendent of Business Services, Christine Fullerton, will be joined by Lori Raineri and Keith Weaver, from Government Financial Strategies Inc., to review and discuss the results from the District’s recent General Obligation Bonds issuance.

2. LOCAL CONTROL ACCOUNTABILITY PLAN (LCAP)

Assistant Superintendent, Educational Services, Dr. Steve McLaughlin, and Director Educational Services, Dr. Jerry Gargus, will review with the Board of Trustees the process used to update the District’s Local Control Accountability Plan (LCAP).

The 2018/19 EL Annual Update is included as part of this presentation, as it directly addresses Goal #2 of the 2018/19 Local Control Accountability Plan.

3. PRESENTATION OF PROCESS FOLLOWED AND PROPOSALS RECEIVED FOR THE POTENTIAL SALE OR LEASE OF THE DISTRICT’S FORMER FRED MOIOLA SCHOOL SITE PURSUANT TO THE DISTRICT’S REQUEST FOR PROPOSAL PROCESS

In response to the Request for Proposal (RFP) for the former Fred Moiola School site, the District received several proposals to purchase the Property pursuant to a

Our mission is to promote a foundation for academic excellence, mastery of basic skills, responsible citizenship, and a desire by students to achieve their highest potential through a partnership with home and community.

purchase and sale agreement, and fewer to either lease the Property pursuant to a short lease of the Property in its current state, or lease the Property pursuant to a long term ground lease of the Property in a manner which allows for its development. This presentation by Andreas Chialtas from Atkinson, Andelson, Loya, Ruud and Romo will summarize the mostly finalized RFP process and proposals received, and recommend the final steps in this process in order to identify the most beneficial proposal (or rank of proposals) at a future Board Meeting.

PUBLIC COMMENTS

Members of the community and staff are welcome to address the Board of Trustees on any item listed on the Agenda of Business or any other item of specific concern. Speakers are requested to limit their presentation to four minutes unless the time is waived by a majority of the Board Members present. If a member of the audience requests a response to their comments, the Board of Trustees may ask the Superintendent/Staff to respond to them personally or in writing after the meeting, or direct that additional information be provided to the Board on a future agenda.

***** BOARD MEMBERS WHO WISH TO DISCUSS WITH STAFF ANY ITEMS LISTED UNDER LEGISLATIVE SESSION SHOULD INFORM THE BOARD PRESIDENT AT THIS TIME.**

LEGISLATIVE SESSION

4. RESOLUTION 2019-14: APPROVAL OF GUARANTEED MAXIMUM PRICE FOR THE LEASE-LEASEBACK AGREEMENT WITH WEST COAST AIR CONDITIONING, INC. FOR THE MEASURE O MODERNIZATION AND HVAC PROJECT AT COX ELEMENTARY SCHOOL

M _____
2nd _____
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On April 19, 2018, West Coast Air Conditioning, Inc. was awarded the preconstruction and lease-leaseback agreement for the remaining phases of the Measure O Modernization and HVAC Project. The preconstruction services have been completed and West Coast Air has solicited bids and selected subcontractors, and a Guaranteed Maximum Price (“GMP”) of \$6,517,728 has been negotiated. The GMP includes a contractor contingency of \$300,000. Outside of the GMP, the Project has a District Contingency of \$625,000 for unforeseen conditions and owner changes.

Superintendent's Recommendation: It is recommended that the Board of Trustees adopts Resolution 2019-14, approving the Guaranteed Maximum Price (GMP), contingencies, and DSA plans and specifications for the Measure O Modernization and HVAC Project at Cox School.

- PUBLIC COMMENTS

Speakers may address the Board of Trustees on Closed Session Items. Please comply with procedures listed on the goldenrod form "For Persons Wishing to Address the Board of Trustees" and give the form to the Executive Assistant.

- CLOSED SESSION

The Board of Trustees will retire into Closed Session to address the following:

- Personnel Matters: *Government Code 54957 and 54957.1*
Appointment/Assignment/Promotion of employees; employee discipline/dismissal/release; evaluation of employee performance; complaints/charges against an employee; other personnel matters.
- Pupil Personnel: *Education Code 35146*
- Negotiations: *Government Code 54957.6*
Update and review of negotiations with the FVEA and CSEA Bargaining Units with the Board's designated representative, Cathie Abdel.
- Conference with Real Property Negotiator *Government Code Section 54956.8*

Property: Approximately 12.9 acres of District land improved with approximately 40,073 sq. ft. of facilities located at 9790 Finch Avenue, Fountain Valley, California (former Fred Moiola School Site) ("Property").

Negotiating Parties: Fountain Valley School District, real property negotiators Christine Fullerton, Assistant Superintendent, Business Services, and District legal counsel (Lessor), and an unidentified number of potential buyers or lessees for the Property which may acquire or lease all or a portion of the Property through statutory rights or public bid processes (Proposed Buyer(s)/Lessee(s)).

Under Negotiation: Instruction to negotiators will concern price and terms of payment issues associated with possible sale or lease of all or a portion of the identified Property.

- APPROVAL TO ADJOURN

The next regular board meeting of the Fountain Valley School District Board of Trustees is on Thursday, April 25, 2019 at 6:30pm.

A copy of the Board Meeting agenda is posted on the District's web site (www.fvsd.us). Materials related to this agenda submitted to the Board of Trustees less than 72 hours prior to the meeting are available for public inspection by contacting the Superintendent's Office at 10055 Slater Avenue, Fountain Valley, CA 92708 or by calling 714.843.3255 during normal business hours.

Reasonable Accommodation for any Individual with a Disability: Any individual with a disability who requires reasonable accommodation to participate in a board meeting may request assistance by contacting the Superintendent's Office: 10055 Slater Avenue, Fountain Valley, CA 92708 or by calling 714.843.3255 or by faxing 714.841.0356.

Board meeting of March 28, 2019



Fountain Valley School District
Business Services Division

MEMORANDUM

TO: Board of Trustees
FROM: Christine Fullerton, Assistant Superintendent, Business Services
SUBJECT: **RESULTS FROM GENERAL OBLIGATION BOND ISSUANCE**
DATE: March 25, 2019

Background:

Assistant Superintendent of Business Services, Christine Fullerton, will be joined by Lori Raineri and Keith Weaver, from Government Financial Strategies Inc., to review and discuss the results from the District's recent General Obligation Bonds issuance.

Board meeting of March 14, 2019



Fountain Valley School District
Superintendent's Office

MEMORANDUM

TO: Board of Trustees
FROM: Mark Johnson, Ed.D., Superintendent
SUBJECT: Board Workshop: Local Control Accountability Plan (LCAP)
DATE: March 5, 2019

Background:

Assistant Superintendent, Educational Services, Dr. Steve McLaughlin, and Director Educational Services, Dr. Jerry Gargus, will review with the Board of Trustees the process used to update the District's Local Control Accountability Plan (LCAP).

The 2018/19 EL Annual Update is included as part of this presentation, as it directly addresses Goal #2 of the 2018/19 Local Control Accountability Plan.



Fountain Valley School District
Business Services Division

MEMORANDUM

TO: Board of Trustees
FROM: Christine Fullerton, Assistant Superintendent, Business Services
SUBJECT: **PRESENTATION OF PROCESS FOLLOWED AND PROPOSALS RECEIVED FOR THE POTENTIAL SALE OR LEASE OF THE DISTRICT'S FORMER FRED MOIOLA SCHOOL SITE PURSUANT TO THE DISTRICT'S REQUEST FOR PROPOSAL PROCESS**
DATE: March 25, 2019

Background:

The District's Board ("Board") previously declared certain real property located at 9790 Finch Avenue, Fountain Valley, California 92708, commonly known as the Fred Moiola School Site ("the Property"), surplus property pursuant to the Education Code section 17455 *et seq.* Pursuant to the District's further instruction, District staff also received a waiver from the State Board of Education ("SBE"), authorizing the District to pursue the sale or lease of the Property through a Request for Proposals ("RFP") process. The District released a RFP seeking proposals from parties interested in acquiring the Property through purchase, lease of the existing Property and its facilities, or long term ground lease and redevelopment of the Property.

In response to the RFP, the District received several proposals to purchase the Property pursuant to a purchase and sale agreement, and fewer to either lease the Property pursuant to a short lease of the Property in its current state, or lease the Property pursuant to a long term ground lease of the Property in a manner which allows for its development. This presentation will summarize the mostly finalized RFP process and proposals received, and recommend the final steps in this process in order to identify the most beneficial proposal (or rank of proposals) at a future Board Meeting.

Recommendation:

Administration recommends that the Board authorize it to finalize its review and assessment of the received proposals in order to update the Board with final proposals at a future Board Meeting, at which time the Board may select the most beneficial proposal (or rank of proposals).



Fountain Valley School District
Business Services Division

MEMORANDUM

TO: Board of Trustees
FROM: Christine Fullerton, Assistant Superintendent Business Services
SUBJECT: **RESOLUTION 2019-14 APPROVAL OF GUARANTEED
MAXIMUM PRICE FOR THE LEASE-LEASEBACK
AGREEMENT WITH WEST COAST AIR CONDITIONING, INC.
FOR THE MEASURE O MODERNIZATION AND HVAC
PROJECT AT COX ELEMENTARY SCHOOL**
DATE: March 25, 2019

Background:

On April 19, 2018, West Coast Air Conditioning, Inc. was awarded the preconstruction and lease-leaseback agreement for the remaining phases of the Measure O Modernization and HVAC Project. The preconstruction services have been completed and West Coast Air has solicited bids and selected subcontractors, and a Guaranteed Maximum Price (“GMP”) of \$6,517,728 has been negotiated.

The GMP includes a contractor contingency of \$300,000.

Outside of the GMP, the Project has a District Contingency of \$625,000 for unforeseen conditions and owner changes.

The Division of State Architect has approved the plans and specifications for the Project on January 29, 2019.

Fiscal Impact:

The Guaranteed Maximum Price (GMP) is funded through the proceeds from the sale of Measure O bonds.

Recommendation:

It is recommended that the Board of Trustees adopts Resolution 2019-14, approving the Guaranteed Maximum Price (GMP), contingencies, and DSA plans and specifications for the Measure O Modernization and HVAC Project at Cox School.

RESOLUTION NO. 2019-14

RESOLUTION OF THE BOARD OF TRUSTEES OF THE FOUNTAIN VALLEY SCHOOL DISTRICT APPROVING THE GUARANTEED MAXIMUM PRICE AND LEASE-LEASEBACK AGREEMENT FOR THE MEASURE O MODERNIZATION AND HVAC PROJECT AT COX SCHOOL

WHEREAS, the Fountain Valley School District (“District”) plans to construct the Measure O Modernization and HVAC Project (“Project”) utilizing the lease-leaseback construction delivery method, whereby the District will lease a site that it owns to a contractor who will construct improvements thereon and lease the project and the underlying site back to the District; and

WHEREAS, Education Code Section 17406 authorizes the governing board of a school district to let to any person, firm or corporation any real property belonging to the District if the instrument by which the property is let requires the lessee therein to construct on the demised premises, or provide for the construction thereon of, a building or buildings for the use of the school district during the term of the lease, and provides that title to that building shall vest in the school district at the expiration of that term; and

WHEREAS, the award of any lease-leaseback contract pursuant to Education Code section 17406 is to be based on a competitive solicitation process to the proposer providing the “best value” to the school district, taking into consideration the proposer’s demonstrated competence and professional qualifications necessary for the satisfactory performance of the services required; and

WHEREAS, pursuant to Education Code section 17406(b)(1), “best value” means a competitive procurement process whereby the selected proposer is selected on the basis of objective criteria for evaluating the qualifications of proposers with the resulting selection representing the best combination of price and qualifications; and

WHEREAS, the Proposal Evaluation Committee evaluated the qualifications in the proposals based upon the criteria and evaluation methodology set forth in the Request for Proposals, assigned scores to each proposal, and once the evaluation process was complete, the District determined that West Coast Air Conditioning Company, Inc. had the highest best value score; and

WHEREAS, on April 19, 2018 the District’s Board of Trustees approved the award, as the highest best value score, for the preconstruction and lease-leaseback constructions services for the Project to West Coast Air Conditioning Company, Inc.; and

WHEREAS, the preconstruction services have been completed and the Division of State Architect approved the plans and specifications for the Project on January 29, 2019, and

WHEREAS, in order to construct the Project using the lease-leaseback delivery method, it is necessary that the District enter into a site lease, in which the site will be leased to the Contractor; a sublease which provides for the sublease of the site and the lease of the project by the Contractor back to the District; and a construction services agreement that contains construction provisions with which Contractor shall comply with respect to the construction of the Project.

NOW, THEREFORE, THE BOARD OF TRUSTEES OF THE FOUNTAIN VALLEY SCHOOL DISTRICT DOES HEREBY RESOLVE, DETERMINE, AND ORDER AS FOLLOWS:

Section 1. Recitals. All of the recitals herein contained are true and correct.

Section 2. Approval of Plans and Specifications. The Board hereby approves the DSA-approved Plans and Specifications for the Project.

Section 3. Guaranteed Maximum Price. West Coast Air Conditioning Co., Inc. has completed the preconstruction services, and selected subcontractors for the Project, and the Guaranteed Maximum Price and contingencies have been negotiated as follows:

Guaranteed Maximum Price: \$6,517,728

Construction Contingency (included in GMP): \$150,000

Errors & Omissions Contingency (included in the GMP): \$150,000

District's Contingency (outside of the GMP): \$500,000

Unforeseen Conditions Contingency (outside of the GMP): \$125,000

Section 4. Other Acts; Delegation. The District's Board of Trustees hereby approves a delegation of authority and appoints its Superintendent, or the designee of the Superintendent, who is/are hereby authorized and directed to carry out the intent of this Resolution and to further make minor changes, if needed, to the lease-leaseback agreement. Said delegation shall be valid until otherwise rescinded by the Board.

Section 5. Effective Date. This Resolution shall take effect upon adoption.

APPROVED, PASSED AND ADOPTED by the Board of Trustees of the Fountain Valley School District this 28th day of March 2019, by the following vote:

AYES: _____

NOES: _____

ABSENT: _____

ABSTAINED: _____

I, Ian Collins, President of the Fountain Valley School District Board of Trustees, do hereby certify that the foregoing is a full, true, and correct copy of the resolution passed and adopted by said Board at a regularly scheduled and conducted meeting held on said date, which resolution is on file in office of said Board.

President of the Board of Trustees
Fountain Valley School District

I, Sandra Crandall, Clerk of the Board of Trustees of the Fountain Valley School District, do hereby certify that the foregoing Resolution was introduced and adopted by the Board of Trustees of the Fountain Valley School District at a regular meeting thereof held on the 28th day of March, 2019, by the following forgoing vote.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the Fountain Valley School District this 28th day of March, 2019.

Clerk of the Board of Trustees
Fountain Valley School District