

PLEASE BRING THIS COPY OF THE AGENDA TO THE BOARD MEETING. THANK YOU!

NOTICE
SPECIAL MEETING OF THE GOVERNING BOARD
TRACY UNIFIED SCHOOL DISTRICT

DATE: FRIDAY, JULY 13, 2007

**PLACES: DISTRICT EDUCATION CENTER
BOARD ROOM
1875 WEST LOWELL AVENUE
TRACY, CALIFORNIA
and
FFS LAND DEVELOPMENT CO.
485 BRIGGS STREET
ERIE, COLORADO
(VIA TELE CONFERENCE)**

**TIME: 1:00 p.m. PST – Closed Session
1:30 p.m. PST – Open Session**

A G E N D A

- 1. Call to Order** **Pg. No.**
- 2. Roll Call – Establish Quorum**
Board: G. Crandall, J. Feller, T. Guzman, T. Hawkins, K. Lewis, B. Swenson, J. Vaughn.
Staff: J. Franco, J. Wakefield
- 3. Closed Session:** Opportunity to Address the Board Regarding Closed Session Items which follow. Closed session is limited to consideration of items specifically authorized under the Government Code and/or the Education Codes.
 - 3.1 Educational Services:**
 - 3.1.1 Findings of Facts:** #FF06-07/247, 248, 249
- 4. Adjourn to Open Session**
- 5. Call to Order and Pledge of Allegiance**
- 6. Closed Session Issues:**
 - 6a Action on Findings of Fact #FF06-07/247, 248, 249**
Action: Motion___; Second___. **Vote:** Yes ___; No___; Absent___; Abstain ___.

7. **Hearing of Delegations:** Anyone wishing to address the Governing Board on a non-agenda item may be heard at this time. Presentations shall be held to a reasonable length, normally not to exceed five (5) minutes. If formal action is required, the item will be placed on a future agenda and action will be taken at a future date. If information or a report is requested, the request for it must also be submitted in writing to the superintendent. (Please complete a speaker's card at the secretary's desk).

This is a period in which members of the public may address the Board on any subject within the Board's jurisdiction that is not on the agenda. The Brown Act does not allow the Board to take action or discuss items which are not on the agenda.

This is because other members of the public have not been notified through the agenda that the subject of the statement would be discussed at this Board meeting.

The Board may ask for the item to be placed on a future agenda, direct the speaker to a person who can help, or provide the speaker with the correct procedure to follow to address his/her problem. All speakers have a constitutional right to free speech. As a protective measure, we would like to remind you that if you say something which might give another person the right to pursue legal recourse against you, there is a taped record of this meeting. This does not mean you cannot criticize employees of the District. However, we would suggest that you do it without using names. We would also suggest that you use the personnel complaint procedures. The board can only hear and address complaints which have been processed in line with the policy. We have copies of the policy and forms here, and staff will help you complete them.

8. **Action Items:** Action items are considered and voted on individually. Trustees receive background information and staff recommendations for each item recommended for action in advance of scheduled meetings and are prepared to vote with knowledge on the action items.

8.1 Administrative & Business Services:

- | | | |
|----------------|---|-----|
| 8.1.1 | Approve and Award the Contract for the Construction of the 40 Classroom Building at Tracy High School to the Apparent Low Bidder (Bid Results to be Distributed at the Board Meeting) | 1 |
| Action: | Motion __; Second __. Vote: Yes __; No __; Absent __; Abstain __. | |
| 8.1.2 | Approve Revised Exhibits A & B to Resolution 06-33 | 2-9 |
| Action: | Motion __; Second __. Vote: Yes __; No __; Absent __; Abstain __. | |
| 8.1.3 | Consider Claim # 13-0607 TUSD | 10 |
| Action: | Motion __; Second __. Vote: Yes __; No __; Absent __; Abstain __. | |

If requested, the agenda shall be made available in appropriate alternative formats to persons with a disability. To make this request, please telephone the Superintendent's Office at 209.830.3201. If any person with a disability needs a disability-related modification or accommodation, including auxiliary aids or services, he/she should also contact the Superintendent's Office at least 24 hours prior to the meeting.



BUSINESS SERVICES MEMORANDUM

TO: Dr. James Franco, Superintendent
FROM: Dr. Casey Goodall, Associate Superintendent for Business
DATE: June 14, 2007
SUBJECT: **Approve and Award the Contract for the Construction of the 40 Classroom Building at Tracy High School to the Apparent Low Bidder (Bid Results to be Distributed at the Board Meeting)**

BACKGROUND: The demolition of the condemned West Building and construction of a new 40 classroom building were part of Measure E which was approved by voters in June 2006. Rainforth Grau Architects were selected by the District to prepare construction documents for the new construction project which was designed to closely replicate the façade of the demolished building. The Division of the State Architect (DSA) reviewed and approved the plans on June 28, 2007. A mandatory pre-bid conference was held on June 13, 2007 at which time plans were distributed to a number of general contractors interested in providing the District with a bid.

RATIONALE: Bids are scheduled to be received and opened on July 10, 2007. Following bid opening all submitted documents will be verified and the apparent low bidder will be recommend to the Board.

FUNDING: This project by Local Bond Funds and the State School Building Program.

RECOMMENDATION: Approve and Award the Contract for the Construction of the 40 Classroom Building at Tracy High School to the Apparent Low Bidder (Bid Results to be Distributed at the Board Meeting).

Prepared by: Denise Wakefield, Director of Facilities



BUSINESS SERVICES MEMORANDUM

TO: Dr. James Franco, Superintendent

FROM: Dr. Casey Goodall, Associate Superintendent for Business Services

DATE: June 29, 2007

SUBJECT: Approve of the Correct Exhibits A & B for Resolution 06-33

BACKGROUND: The Board approved Resolution 06-33 on June 26, 2007, declaring the necessity for and authorizing the initiation of eminent domain proceedings to secure property for the Kimball High School Project (APN 240-040-02); inadvertently, the wrong Exhibits A and B were attached to Resolution 06-33 dated June 15, 2007. The intent was to have attached the correct property description (Exhibit A) and map (Exhibit B) for the seven (7) acre parcel.

RATIONALE: The District has complied with all the conditions and statutory requirements to exercise the power of eminent domain and staff will request the Board to adopt the Resolutions of Necessity including the acquisition of the additional seven (7) acres of property needed for the construction of the Kimball High School project.

FUNDING: Funding for the purchase of the property comes from Developer Fee Funds and funds received from the State School Facilities Program.

RECOMMENDATION: Approve of the Correct Exhibits A & B for Resolution 06-33

Prepared by: Denise Wakefield, Director of Facilities



**TRACY UNIFIED SCHOOL DISTRICT
RESOLUTION NO. 06-33**

**A RESOLUTION DECLARING THE NECESSITY FOR, AND AUTHORIZING THE
INITIATION OF, EMINENT DOMAIN PROCEEDINGS TO SECURE PROPERTY FOR
KIMBALL HIGH SCHOOL PROJECT
(APN 240-040-02)**

WHEREAS, constructing the Kimball High School ("Project") is a high priority in the Tracy Unified School District ("Tracy USD") in order to alleviate existing overcrowded conditions that exist within District and to provide adequate school facilities to accommodate projected growth in the student population; and

WHEREAS, in order to accomplish said Project, it is necessary to acquire certain real property and interests therein; and

WHEREAS, the real property and interests therein required for the Project are identified as a portion of San Joaquin County APN 240-040-02 and are described and depicted in Exhibits A and B attached hereto and incorporated herein by reference ("Property"); and

WHEREAS, that Property located entirely within the territorial boundaries of the Tracy USD; and

WHEREAS, the Tracy USD has investigated and examined alternatives to the Project and the acquisition of the Property, and concluded that both the Project and the acquisition of the Property for the Project are necessary; and

WHEREAS, the Tracy USD has complied with the requirements of the California Environmental Quality Act, Public Resources Code section 21000, *et seq.*, in regards to the acquisition of the Property based upon the Board of Trustees certifying an Environmental Impact Report for the Project on April 24, 2007 (an addendum regarding the acquisition of the additional acreage pursuant to this resolution is attached hereto at Exhibit C and is incorporated herein by

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of the Tracy USD as follows:

1. The recitals contained herein are true and correct;
2. Upon the examination of the alternatives, the real property and interests therein described and depicted in Exhibits A and B are required to be taken by the Tracy USD for the Project.
3. The Tracy USD is authorized to acquire the real property and interests therein described and depicted in Exhibits A and B pursuant to the provisions of the California Education Code section 35270.5, and the provisions of California Eminent Domain law comprising Title 7, Part 3 of the Code of Civil Procedure (commencing with Section 1230.010).
4. Acquisition of Property for the construction, operation and maintenance of a high school is necessary to carry out the District's powers and functions, is authorized by Education Code section 35270.5, and is therefore a public use.
5. The addendum to the environmental impact report, as attached hereto, is approved for the reasons stated therein.
6. The Tracy USD hereby finds, determines, and declares:
 - A. The public interest and necessity require the proposed Project;
 - B. The proposed Project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury;
 - C. The property and interests therein described and depicted in Exhibits A and B are necessary for the proposed Project.
7. Prior to making the above findings and determinations, the offer required by Government Code 7267.2 was made to the owner(s) of record of the property and interests therein described and depicted in Exhibits A and B.
8. The law firm of Kronick, Moskovitz, Tiedemann & Girard ("KMTG") is hereby authorized and directed to prepare and prosecute proceedings in eminent domain in the appropriate court to acquire for the Tracy USD the property and interests therein described and depicted in Exhibits A and B. KMTG is hereby further authorized to obtain such orders for immediate possession for the property and interests therein as

PASSED AND ADOPTED this 26th day of June, 2007, by the following vote:

AYES: 6

NOES: 0

ABSENT: 1 (Crandall)

ABSTAIN: 0

Tom Aerobius
Chair of the Board of Trustees

ATTEST: James Francis
Secretary of the Board of Trustees

EXHIBIT "A"
LEGAL DESCRIPTION

All that real property situate in the County of San Joaquin, State of California, being a portion of Government Lots 2 and 3 in the south one-half of Section 30, Township 2 South, Range 5 East, Mount Diablo Base and Meridian as shown on that Record of Survey filed in Book 34, Page 81, S.J.C.R., being more particularly described as follows:

COMMENCING at the southwest corner of said Section 30; thence northerly along the west line of Section 30 North 00° 26'39" East, a distance of 2024.46 feet to the **TRUE POINT OF BEGINNING**; thence leaving said section line the following three courses:

1. South 89° 39'51" East, 758.32 feet;
2. North 00° 20'09" East, 109.04 feet;
3. South 89° 39'51" West, 763.69 feet to a point on the line dividing Government Lots 2 and 3;

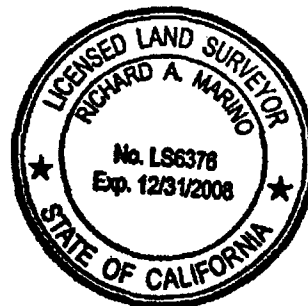
thence, southerly along said line South 00° 20'09" West 254.04 feet; thence, leaving said line, North 89° 39'51" West 1522.28 feet to the west line of said Section 30; thence, along the west line of said Section 30 North 00° 26'39" East 145.00 feet to the **TRUE POINT OF BEGINNING** of this description containing 6.98 acres more or less.

A plat of this description labeled "EXHIBIT B" is attached hereto and made a part thereof.

This description was prepared by me or under my direction.

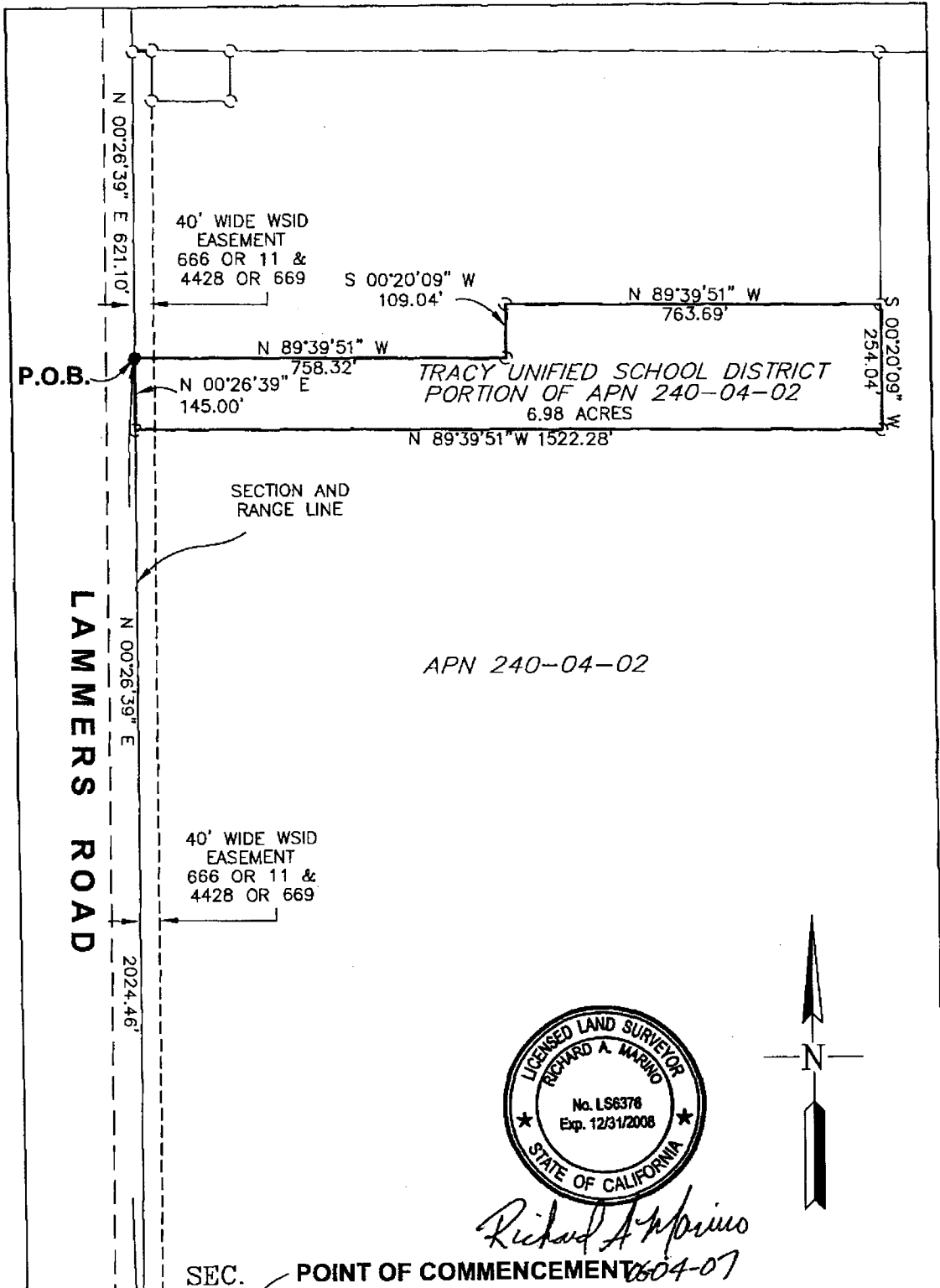
Richard A. Marino

Richard A. Marino L.S. 6376
Expires 12-31-08



06-04-07

Date



June 26, 2007

Kimball High School

Addendum to the Environmental Impact Report to Address Realignment of Lammers Road and Additional 7 Acres to Project

Purpose of the Addendum

This document has been prepared as an Addendum to the Tracy Joint Unified School District Kimball High School Project EIR (SCH #2004092070), which was certified as adequate and complete on April 24, 2007, in accordance with the CEQA Guidelines Section 15164 to address changes to the proposed Site layout by adding seven (7) acres to the Project. Section 15164 provides that the Lead Agency "shall prepare an Addendum to a previously certified EIR if some changes or additions are necessary, but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred." Pursuant to Section 15164(e) an analysis and explanation is provided documenting Tracy Joint Unified School District's decision that preparation of a subsequent EIR is not required.

Section 15164 was created in response to Public Resources Code Section 21166 which provides that no subsequent or supplemental EIR shall be required unless "substantial changes" in the Project or the circumstances under which the Project is being undertaken will necessitate "major revisions" of the EIR, or "new information" which was not known and could not have been known at the time the EIR was certified, becomes available.

This document demonstrates that the circumstances, impacts, and mitigation requirements identified in the certified EIR remain substantively applicable to the Project even with the addition of seven (7) acres and the proposed changes to the alignment of Lammers Road. The realignment of Lammers Road will allow more parking, will increase field space and will move the stadium down on the Site to accommodate the bleachers. The phasing of the Project will not change or the capacity of the school or any of the recreational or other amenities. Therefore, the proposed revisions do not raise any new issues and do not cause

Proposed Realignment of Lammers Road

Since the EIR was certified, the city of Tracy has requested that the Lammers Road be realigned. The realignment will require that the Tracy Unified School District acquire seven (7) additional acres and allow the District to make several changes to the parking and recreational fields to allow more space between the fields. The changes are summarized below:

- Seven (7) acres have been added to the Project to accommodate the realignment of Lammers Road;

With the realignment of Lammers Road, additional parking will be added, the field space will be increased and the stadium will be moved on the Site to better accommodate the bleachers.

With the revisions of the Project requiring the realignment of Lammers Road, the phasing of the Project, nor the number of students at the school will not change. The size of the recreational fields will increase slightly, but there will be no additional fields for use of the fields. The realignment of Lammers Road will assist in traffic flow, and the additional parking will assist in traffic circulation on the Site.

Potential Environmental Effects of the Revisions to the Kimball School Site Development Project

The proposed revisions to the Project would not result in new impacts, and most impacts would be the same or similar to those described in the certified EIR. The Project will consist of the same size school facilities, with Phase I to house up to 1,349 9-12th grade students and include the construction of approximately 96,669 square feet of building floor area and Phase II of the Project may add approximately 40 classrooms and expand care facilities, including the gymnasium, amounting to a total facility size at Project build-out of approximately 180,669 square feet. The additional seven (7) acres are designed to realign Lammers Road. The environmental analysis discussed in the Final EIR will not change.



BUSINESS SERVICES MEMORANDUM

TO: Dr. James Franco, Superintendent

FROM: Dr. Casey Goodall, Associate Superintendent, Business Services

DATE: July 2, 2007

SUBJECT: Consider Claim No. 13-0607 TUSD

BACKGROUND: On or about June 29, 2007, a claim was received by the Tracy Unified School District in which the claimant, by and through the parents/guardians, states that a loss or injury occurred on or about June 11, 2007. The claim alleges the injury/incident occurred on District premises and bus.

The claim was reviewed by the District's insurance providers and a rejection/denial of this claim by the Board of Trustees was recommended.

The amount of the claim is not noted on the TUSD claim form.

RATIONALE: District's insurance advisors, legal advisors, and District staff recommend rejection/denial of this claim. This is standard practice in order to protect the District from future litigation.

This agenda item meets Strategic Goal #2 – Create a Quality and Effective Learning Environment for All Students.

FUNDING: District insurance account covers costs up to the Board approved deductible amount.

RECOMMENDATIONS: Deny TUSD Claim No. 13-0607.

Prepared by: Catherine A. Lyons, Secretary to the Associate Superintendent for Business Services