

**FULLERTON SCHOOL DISTRICT****Special Meeting of Board of Trustees****District Board Room****Friday, September 15, 2000****MINUTES****1. GENERAL INFORMATION****1a. CALL TO ORDER**

The Special meeting of the Fullerton School District Board of Trustees was called to order by President Hilda Sugarman on Friday, September 15, 2000 at 9:11 a.m. Dr. Fred Good led the Pledge of Allegiance to the flag.

**Board Members:**

- Hilda Sugarman, President
- Ellen Ballard, Vice President
- Kim Guth, Clerk
- Robert Fisler, Member
- Marjorie Pogue, Member

**Administration:**

- Ron Cooper, District Superintendent
- Patricia Godfrey, Assistant Superintendent, Business Services

**1b. PUBLIC COMMENTS**

There were no public comments at this time.

**2. ACTION ITEM****2a. APPROVE MITIGATION AGREEMENT BETWEEN THE FULLERTON SCHOOL DISTRICT AND LSF II - FULLERTON, LLC**

Dr. Patricia Godfrey stated she recommends this agreement for Board approval as providing a mechanism to provide facilities to house students generated from the Amerige Heights project. Dr. Godfrey introduced visitors representing the Amerige Heights project (Todd Kurtin, Principal and Partner with the firm, Larry Lazar, Vice President, Dave Placek, Project Manager, Dennis O'Neal, Legal Counsel) and thanked the District's team: Dr. Ron

Cooper, Superintendent, Andrea Reynolds, Director of Fiscal Services (absent), Dawn Vincent with Stone & Youngberg, Melanie Hough, Dr. Fred Good of PJHM Architects, Mr. Benjamin Dolinka of David Taussig & Associates, and Mr. Ski Harrison, legal counsel of Rutan & Tucker.

Dr. Fred Good briefly discussed the "superpad" conditions in the mitigation agreement and stated the cost to build a school per current Facility Needs Assessment desires is close to \$9 million.

Mr. Benjamin Dolinka explained that SB50 establishes guidelines as to what developer fees a school district can and cannot impose. The District has the option of receiving fees greater than that which SB50 would provide from this development, with the approval of the SunCal organization. Mr. Dolinka further explained scenarios included in the mitigation agreement: 1) formation of a CFD (Community Facilities District); 2) the District electing not to purchase the school site and yet be able to collect a fee of \$2.07 per square foot of residential development; 3) the District imposing a Level 2 fee in accordance with SB50. Mr. Dolinka noted that if the District desires to build a school that the Board of Trustees would like, the District must pursue State matching funds. The District would have a note due SunCal, payable via State funds, commercial/industrial fees, and 75% of residential fees collected in the Parks Junior High area.

Dr. Fred Good recommended to the Board that the District should pursue the State funds soon to obtain maximum benefit for the District in building a new school.

Mr. Ski Harrison discussed the plan allowing for senior citizen housing in the commercial/industrial area of the project, and that pending approval by City Council, work would begin on what the Board's direction is. Mr. Harrison stated that the mitigation agreement is flexible with regard to the District receiving \$2.46 per square foot and does not identify a ceiling or a floor with regard to the ultimate numbers or dollars that the District will be receiving. He also stated the agreement provides that the developer can request that the District act as the lead agency in the formation of the CFD and fund some "other fees" through the formation of the CFD. These "other fees" are restricted to City Park fees or high school district's fees. Approval of this agreement would require the District, at the formation process of the CFD, to make a one-time amendment to the local goals that were adopted previously for the District's first CFD. Mr. Harrison recommended the Board not make a permanent change to the requirement in the policy that states the District must have at least 50% of the CFD fees, but for this specific project there be an amendment to that policy, and the waiver be placed into the CFD formation documents. Secondly, the current goals and policies require that there be a joint community financing agreement or other facilities agreement. The City will state in its Development Agreement that the developer has the option to finance the Park fees through a CFD formed by the District; the City wants to waive the requirement to have a joint community facilities agreement. Mr. Harrison also stated minor language changes need to be made in the proposed agreement to provide for the "superpad" possibly not being ready for the 150th building permit and the District allowing the District to withhold some money until the "superpad" is ready. Additionally, the developer agrees to inform all Merchant Builders of the conditions of the agreement.

Moved by Kim Guth, seconded by Ellen Ballard and carried unanimously (5-0) to approve the mitigation agreement between the Fullerton School District and LSF II - Fullerton, LLC.

## ADJOURNMENT

President Sugarman adjourned the meeting on September 15, 2000 at 10:07 a.m.

---

Kim Guth, Clerk

Board of Trustees