

**BOARD OF TRUSTEES
LONG BEACH COMMUNITY COLLEGE DISTRICT**

**Minutes of Adjourned Special Meeting of
February 4, 2003, Reconvened on February 5, 2003, 5:00 p.m.**

The Adjourned Special Meeting of the Board of Trustees of the Long Beach Community College District, County of Los Angeles, California, which was held on February 4, 2003, was reconvened on Wednesday, February 5, 2003, in Building I, Liberal Arts Campus, 4901 East Carson Street, Long Beach, California.

CALL TO ORDER

The meeting was called to order at 5:00 p.m.

ROLL CALL

Present: President Uranga, Vice President McNinch, Member Clark, Member Kellogg, Member Polsky, Student Trustee Washington

ADMINISTRATIVE SERVICES

Resolution, Authorizing Lease and Sale Agreements with the City of Long Beach

It was moved by Member Clark, seconded by Member Polsky, that the Board approve Resolution No. 020503 authorizing the Vice President, Administrative Services to enter into lease and sale agreements with the City of Long Beach.

Superintendent-President Kehoe: Mr. Keith Berlin is in the audience. He has negotiated this contract over the last eight months or so and so if the Board has any questions either before or after action, he's available.

President Uranga: The ratification of this. What would they be for us and what would they be for the City, in general?

Mr. Berlin: Well essentially what will happen is the Board will pass the resolution and then from that point forward a certain amount of advertising will be required. Once a week for three consecutive weeks, the District will need to advertise the passage of the resolution. After that the District will be empowered with the ability to enter into the agreements and to execute them and the City Council, on the other hand, with regard to the City's behalf, will be

**Minutes of Adjourned Special Meeting of the Board of Trustees
of February 4, 2003, Reconvened on February 5, 2003**

meeting on the 18th of February to pass their own resolution regarding the authorization for them to enter into the agreements.

Once they've done that, I believe we'll still be advertising, and towards the end of this month then the advertising will be completed and through the resolution we'll have the ability to then execute the agreement. At that point late in the month all of the parties will have then executed the agreement and the lease will commence on March 1.

President Uranga: Now it is my understanding that basically this is a redesignation on our behalf of parking areas that will be utilized as parking as well by the City.

Mr. Berlin: Well there's actually two parts to all of this. One part is the use of approximately 500 spaces in the Veterans Stadium parking lot that will be leased to the City for parking vehicles associated with the airport and it appears at this point that those vehicles will probably be rental car vehicles although there's a broader definition in the agreement, but it's essentially to be used as a parking lot however, just as it's being used now, but by a different entity.

The other part of the agreement is essentially a purchase and what will occur is that the City will be selling a parcel of land currently on the District's property which is owned by the City and being used by the District and what will happen then is that the District will be purchasing that land by giving a credit to the City for the use of the parking lot and so no actual money will change hands unless certain events occur, like a termination of the lease. But through this exchange, the District will lease the parking lot and the City will be providing title for the land. That's essentially what will occur.

Member Polsky: You said something that triggered something -- upon the termination of the lease. Are you saying that if the City doesn't stick it out for five years, they can terminate that lease?

Mr. Berlin: The City can terminate the lease and if they do the lease provides that the District will have title to the land that's being sold free and clear without any necessity of payment. However, if the District terminates the lease, then there will be a pro rata determination of how much of the purchase price has been paid through a credit on the lease and then the District will be required to pay the remainder in the form of two payments -- one to be 180 days after the date of termination and another to be 360 days after the date of termination.

Member Polsky: So the \$647,000 or whatever it is, is for five years and you're saying if the District terminates it in three we're only to get credit for something like half that. It will be pro rated.

Mr. Berlin: Right, and the District will be required to pay the balance of that in two payments, one being six months, and other being a year after the date of the termination. Now, one of the provisions in the lease is that the District is not allowed to terminate it within the first five year lease term. So we really can't terminate it. However, there is one way that it can be terminated, and that's if, for the some reason, the City failed to provide title

**Minutes of Adjourned Special Meeting of the Board of Trustees
of February 4, 2003, Reconvened on February 5, 2003**

of the land to the District, as agreed, then the District could terminate and there would be no payment required from the District.

Member Polsky: When is the City supposed to give us title?

Mr. Berlin: There will be a 60 day escrow opened at the point when the lease commences and that escrow will provide for the transfer of the property.

Member Clark: Even though this is actually between one governmental agency and another, you have to have fair market value or reasonably so? Whatever they're saying it's worth and whatever we're asking for the use of the property?

Mr. Berlin: Yes, and there was an appraisal that was done, I believe, within the last 12 months and that was how the value of the property was determined.

President Uranga: Since there are two entities involved here, college District and the City of Long Beach, do both have to pass this resolution. We will have done our part here this evening. Now if the City, for some unknown reason, should not pass their part of the resolution, what happens then?

Mr. Berlin: Well, this resolution is a stand-alone resolution that the District has to authorize their ability to enter into the agreement. The City will have to pass their own resolution agreeing to the terms. If they don't then the agreements will not come to fruition.

Superintendent-President Kehoe: Mr. Berlin. I asked you this same question, but the Board might be interested in knowing that the reason we had to have all of the Board members present and it has to be a unanimous vote in order to pass this resolution, is a clause in the Ed Code that applies only to us. It does not apply to the City Council. Is that correct?

Mr. Berlin: That is correct. It's an Ed Code provision applying to community college Districts.

Member Clark: Is that for the purchase of property?

Mr. Berlin: It's actually really with regard to the lease end of it and for the District to lease the land to another agency it can do that, but it has to conform to certain requirements in the Ed Code and, in particular, one of the requirements is that a resolution be passed by a unanimous vote of all members of the Board appointed or elected.

Member Clark: When we buy and sell a piece of property, does that still apply?

Mr. Berlin: For the purchase, probably not. For the sale, yes, depending on whether you are doing it pursuant to these portions of the Ed Code which pertain to the sale to another entity, another agency.

Student Trustee Washington: I think this sounds great in terms of us owning the property after five years, but I just wanted to know it will affect the parking for students.

**Minutes of Adjourned Special Meeting of the Board of Trustees
of February 4, 2003, Reconvened on February 5, 2003**

Mr. Berlin: My understanding, and I have spoken to several people here at the District who are involved in the use of the parking at the stadium, one being the Stadium Manager, Bob Johnson, another being his superior Paul Quirk, and they have both assured me that there's ample parking available, even with the lease of this portion of the parking lot to the City. It's also my understanding that there is another lot, I believe it's Lot J that has about another 1,000 spaces and that lot is rarely used as overflow, but is available as overflow, should the need arise for additional parking with regard to an event at the stadium.

Superintendent-President Kehoe: That would be an event at the stadium. For the students who park in the stadium lot, and I believe Dr. Byrd can address this, he went out and counted the cars on the first few days of the semester, this portion that we are proposing to lease never has any student cars on it. It is the most distant to walk for any student. It's the southern end and then it's the Clark Avenue side, so we have no students at this point, or anyone else, for that matter parking there. At this time, it has been used for car sales on the weekends, but will no longer be used for car sales.

Mr. Berlin: I actually have a color photocopy of an aerial photograph and I can show you exactly the area that would be the subject of the lease. I can't leave it with you because I need it, but I will be happy to share it with you.

Student Trustee Washington: In five years, no one can project how many students will actually enroll, so will the parking lot still be o.k. to lease?

Mr. Berlin: Well, again, my understanding, after having spoken to Mr. Johnson and Mr. Quirk, is that it will not affect the use of the parking for the students or for others for that matter.

Student Trustee Washington: O.K.

Superintendent-President Kehoe: We actually don't have the classroom capacity and won't within the next five years to require all of the parking, so I think that the statistics support going forward with this.

President Uranga: Any other comments, observations? Hearing none, we'll go ahead with the vote.

The motion carried, all voting aye.

ADJOURNMENT

President Uranga adjourned the meeting at 5:15 p.m. The next regular meeting of the Board of Trustees will be held on February 18, 2003. The first order of business will be adjournment to a closed session, as needed. The Board will reconvene in open session at 5:00 p.m. in Building I, Liberal Arts Campus.

Assistant Secretary