

**MONTEREY PENINSULA COMMUNITY COLLEGE DISTRICT  
GOVERNING BOARD OF TRUSTEES**

**REGULAR BOARD MEETING**

*Public Safety Training Center in Seaside*  
[www.mpc.edu/GoverningBoard](http://www.mpc.edu/GoverningBoard)

1:30-4:08pm, Closed Session, PSTC, Classroom 102, Seaside  
4:14-6:53pm, Regular Meeting, Classroom 104, Seaside  
2642 Colonel Durham Street, Seaside CA 93933

**WEDNESDAY, SEPTEMBER 26, 2012**

**MINUTES**

1. OPENING BUSINESS

- A. Call To Order – Dr. Loren Steck opened the Regular Meeting at 1:30pm.
- B. Roll Call - present:
  - Dr. Loren Steck, Chair
  - Mr. Charles Brown, Vice Chair
  - Dr. Margaret-Anne Coppernoll, Trustee
  - Dr. Douglas Garrison, Superintendent/President
  - Ms. Marilynn Gustafson, Trustee
  - Mr. Rick Johnson, TrusteeStaff:
  - Ms. Barbara Lee
- C. Public Comments on Closed Session Items – no comments.
- D. Closed Session – items under discussion
  - 1) Superintendent/President Quarterly Evaluation (Government Code Section 54947)
  - 2) Public Employment – Superintendent/President (Government Code Section 54957)Staff: Barbara Lee
- E. Reconvene to Regular Board Meeting and Roll Call at 4:14pm.
  - Present:
    - Dr. Loren Steck, Chair
    - Mr. Charles Brown, Vice Chair
    - Dr. Margaret-Anne Coppernoll, Trustee
    - Dr. Douglas Garrison, Superintendent/President
    - Ms. Marilynn Gustafson, Trustee
    - Mr. Rick Johnson, Trustee
    - Mr. Daniel Cervantes, Student Trustee
- F. Report Action Taken In Closed Session – no action taken.

5. NEW BUSINESS AGENDA ITEM NO. F:

RESOLUTION: MONTEREY PENINSULA COMMUNITY COLLEGE DISTRICT  
RESOLUTION NO. 2012/2013-25  
PARKING LOT A – JOINT OCCUPANCY REQUEST FOR PROPOSALS

WHEREAS, the primary source of District operating budget is through funds allocated to the District by the State of California.

WHEREAS, the District has experienced significant reductions in budget funds allocated to the District by the State of California.

WHEREAS, the budget funding reductions sustained by the District threaten the long term fiscal stability of the District and the District's continuing ability to meet its core educational mission.

WHEREAS, the District does not anticipate improvement or augmentation of the budget reductions in the foreseeable future; the District anticipates future additional reductions in budget funds allocated to the District by the State of California.

WHEREAS, to mitigate the effect of State of California budget reductions, the District should consider all available alternatives and opportunities to augment State of California budget funds which are consistent with limitations or requirements established by applicable law, such alternatives or opportunities may include, without limitation, District entrepreneurial activities, District participation with public or private entities in revenue generating activities, and/or maximizing revenue generated by the District's real property assets.

WHEREAS, Education Code §§81390 et seq authorizes the District to enter into agreements with private sector entities for the joint occupancy of District real property by the District and private sector entities.

WHEREAS, Education Code §81394 establishes authority of the District to require, as part of any joint occupancy agreement that the private sector joint occupant of District property construct building(s) for joint use by the District and the private sector joint occupant.

WHEREAS, Education Code §81393 limits the term of joint occupancy agreements to a maximum term of sixty six (66) years.

WHEREAS, the real property assets of the District includes certain real property commonly described as Parking Lot A, located at 980 Fremont Street, Monterey, California 93490 and identified by the Monterey County Assessor's Office as APN 001-781-023 ("Parking Lot A").

WHEREAS, the District's current, existing use of Parking Lot A for parking purposes does not reflect the "highest and best use" of the real property upon which Parking Lot A is situated; the term "highest and best use" as used herein is as defined by the Appraisal Institute as the reasonably probable and legal use of property that is

physically possible, appropriately supported and which results in the highest valuation of the real property asset.

NOW THEREFORE BE IT HEREBY RESOLVED that the Board of Trustees of Monterey Peninsula Community College District hereby adopt the following Resolution:

RESOLVED, to augment State of California budget fund reductions, the District must consider alternative uses of Parking Lot A in order to achieve the highest and best use of Parking Lot A and the real property upon which Parking Lot A is situated.

FURTHER RESOLVED, that joint occupancy of Parking Lot A by the District and a private sector entity provides a potential alternative for the District to generate revenue and achieve the highest and best use of the Parking Lot A real property.

FURTHER RESOLVED, that the District's Superintendent or such District staff member(s) designated by the Superintendent are authorized and directed to prepare and issue a Request for Proposal (RFP) soliciting responsive proposals from private sector entities for the joint occupancy of Parking Lot A.

FURTHER RESOLVED, the RFP shall include without limitation: (i) incorporation of requirements and limitations conforming to Education Code §81390 et seq.; (ii) require identification of the proposed use(s) of joint occupancy facilities by the private sector proposer; and (iii) identify potential uses of the joint occupancy facilities by the District for the District's academic programs or other District purposes.

FURTHER RESOLVED, upon receipt of proposals in response to the RFP, the District's Superintendent or such District staff member(s) designated by the Superintendent, are authorized and directed to evaluate such proposal(s) to determine which proposal is in the best interests of the District.

FURTHER RESOLVED, that upon completion of the RFP solicitation, proposal and proposal review process described in the foregoing Resolutions, the District's Superintendent or such District staff member(s) designated by the Superintendent shall present a report of findings and conclusions to the District's Board of Trustees at a regularly scheduled meeting of the Board of Trustees for further review, consideration and evaluation by the Board of Trustees.

NOW, THEREFORE, BE IT RESOLVED, that the Governing Board approve Resolution No. 2012-2013/25 in conjunction with the Request For Proposals for a joint occupancy facility located on Parking Lot A of Monterey Peninsula College, 980 Fremont Street, Monterey, CA 93940.

APPROVED AND ADOPTED by the Board of Trustees of Monterey Peninsula Community College District this 26<sup>th</sup> day of September, 2012, by the following vote:

Motion Gustafson / Second Cervantes / Carried

**2012/2013-25**

AYES: Brown / Coppernoll / Gustafson / Johnson / Steck  
NOES: None  
ABSTAIN: None  
ABSENT: None

Vice President Steve Ma provided the Board with an Executive Summary on the Joint Occupancy Request for Proposals, as follows:

The community college system has experienced significant revenue cuts over the last three years as a result of a deep national and state recession. Starting in 2009-2010, MPC has experienced an ongoing reduction in general revenues of \$5.4M. This could increase to \$6.3M if Proposition 30 does not pass in the November election. The restoration of these funds is unlikely for years to come and the continued reliance of state support will undermine the fiscal stability of this district. In light of these budgetary pressures, MPC should consider other entrepreneurial revenue sources to augment state support.

The Education Code allows districts to enter into private/public partnerships and similar joint ventures to develop district property for revenue generating purposes. Over the past few years, a number of private entities have inquired about the availability of portions of the Monterey campus for development of commercial retail uses. In light of these inquires and continued budgetary pressures, it would be fiscally prudent to explore and examine these types of proposals through a formal request for proposal (RFP) process.

For the past month, staff has been working with legal counsel to develop a RFP for soliciting proposals from a qualified developer to enter into an Exclusive Rights Negotiating Agreement (ERNA) with the District which will result in a development and formation of a Joint Occupancy Agreement (JOA) to design, construct and operate facilities on Parking Lot A of the Monterey campus. This RFP will be advertised and disseminated to the general public under the following timeline.

A revised timeline to the Request for Proposals (RFP) was distributed at the meeting:

- RFP advertised and issued – September 14, 2012
- Proposal Development – September 14 to December 31, 2012 (was October 31)
- Proposals Due to District – December 31, 2012
- Review and Evaluation of Proposals – January 1 to March 1, 2013
- District Board Approval of Selection – March 27, 2013
- Negotiation of Exclusive Rights Negotiating Agreement (ERNA) – April 2013
- District Board Approval of ERNA – May 22, 2013
- Negotiation of Joint Occupancy Agreement (JOA) – June to July, 2013
- District Board Approval of JOA – August 28, 2013
- Commencement of Development Activities – September, 2013

7. ADJOURNMENT

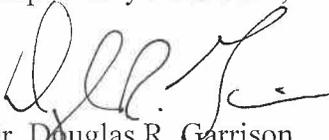
8. CLOSED SESSION

- D. Future Topics:
- 1) ACCJC Substantive Change Report for Distance Education, October
  - 2) CBOC Annual Report, November
  - 3) Tour of Theatre and Gym First Floor
  - 4) Program Reviews

7. ADJOURNMENT

8. CLOSED SESSION

Respectfully Submitted,



Dr. Douglas R. Garrison  
Superintendent/President

*Any writings or documents that are public records and are provided to a majority of the Governing Board regarding an open session item on this Agenda will be made available for public inspection in the District Office located at 980 Fremont Street, Monterey, CA, during normal business hours. Governing Board documents are also available on the Monterey Peninsula College website at [www.mpc.edu/GoverningBoard](http://www.mpc.edu/GoverningBoard).*

*Posted October 25, 2012*