

AGENDA

COMMITTEE OF THE WHOLE

Meeting: 2:30 p.m. Tuesday, July 13, 2010
Glenn S. Dumke Auditorium

Herbert L. Carter, Chair
A. Robert Linscheid, Vice Chair
Roberta Achtenberg
Nicole M. Anderson
Carol R. Chandler
Debra S. Farar
Kenneth Fong
Margaret Fortune
George G. Gowgani
Melinda Guzman
William Hauck
Raymond W. Holdsworth
Linda A. Lang
Peter G. Mehas
Henry Mendoza
Lou Monville
Charles B. Reed, Chancellor
Glen O. Toney
C.C. Yin

Consent Items

Approval of Minutes of Meeting of March 16, 2010

Discussion Items

1. Concord Naval Weapons Station Acquisition, *Action*

**MINUTES OF MEETING OF
COMMITTEE ON THE WHOLE**

**Trustees of The California State University
Office of the Chancellor
Glenn S. Dumke Conference Center
401 Golden Shore
Long Beach, California**

March 16, 2010

Members Present

Herbert L. Carter, Chair
Robert Linscheid, Vice Chair
Roberta Achtenberg
Nicole M. Anderson
Carol R. Chandler
Debra S. Farar
Kenneth Fong
Margaret Fortune
George G. Gowgani
Melinda Guzman
William Hauck
Raymond W. Holdsworth
Linda A. Lang
Peter G. Mehas
Henry Mendoza
Lou Monville
Charles B. Reed, Chancellor
Russel Statham
Glen O. Toney

Chair Carter called the meeting to order and introduced Counsel Helwick.

General Counsel's Report

General Counsel Helwick presented her semi-annual update on legal issues facing the CSU. She noted, in particular, the favorable outcome in the environmental case at San Diego State University and the Every Nation Campus Ministries which will be determined by another case that is now before the United States Supreme Court.

Chair Carter thanked General Counsel Helwick, told her to keep up the good work and said he liked the current trend line on cases. He also asked for any corrections to the January 27, 2009, minutes, and hearing none, those minutes were approved.

The meeting adjourned.

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COMMITTEE OF THE WHOLE

Concord Naval Weapons Station Acquisition

Presentation By

Charles B. Reed
Chancellor

Mohammad H. Qayoumi
President
California State University, East Bay

Summary

The purpose of this item is to seek approval from the Board to explore acquisition of a portion of the Concord Naval Weapons Station as a site for a future CSU East Bay Concord branch campus.

Background

With the decision by the federal government to close the approximately 5,000-acre Concord Naval Weapons Station base for military purposes, the CSU has been presented with the opportunity to acquire a portion of the property to develop a future full-service CSU East Bay Concord branch campus. This future branch campus would be developed on 150-acres and provide increased access to public higher education in a region that is significantly underserved. The Concord City Council is acting as the Local Reuse Authority (LRA) for the site, and the leadership of CSU East Bay has worked with the City Council to study alternative uses for the property. Additionally, CSU East Bay has been in discussions with other local, state, and federal officials regarding CSU East Bay's interest in the site.

Process

In November 2005, the Base Realignment and Closure (BRAC) Commission announced that the approximately 5,000-acre Inland Area of the base was approved for closure. The Tidal Area would remain in operation as a port under the command of the Army. The BRAC legislation stipulated that the Navy would retain property ownership of the Inland Area, but would have to make some provision for the Army to acquire a portion of the Inland Area to support its port operations in the Tidal Area.

In 2006, the Department of Defense designated the Concord City Council to serve as the LRA.

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The LRA is the one point of contact negotiating with the Department of Defense and the single community point of contact for all matters relating to the closure of the Naval Weapons Station. The LRA subsequently launched a three-phase, multiyear process to develop a Reuse Plan for the base property.

In 2006, the City Council spent the year conducting a massive public outreach campaign to hear comments, suggestions and opinions about the civilian reuse of the base from a broad spectrum of residents, business owners, and local and regional stakeholders. The community responded with hundreds of comment cards, e-mails, and letters. Information was distributed, and verbal comments were heard. Additional information was obtained through a community-wide telephone survey, stakeholder interviews, focus groups, Council drop-in sessions, and an information booth at public events.

On September 26, 2007, CSU East Bay submitted a Notice of Interest expressing its interest in a Public Interest Conveyance of approximately 415 acres of the Concord Naval Weapons Station site for the development of a full-service CSU East Bay Concord branch campus that would support an ultimate enrollment of 25,000 Full-Time Equivalent Students (FTE).

Subsequently, a site inventory, analysis and assessment of the property were conducted, and alternatives developed and evaluated. In January 2010, the LRA selected a Preferred Reuse Plan ("Plan") that identified and designated 150-acres as an Educational Campus to accommodate a CSU East Bay Concord branch campus. The Plan is currently undergoing environmental review, and the CSU will review the site for any required hazardous materials abatement. The environmental assessment will include studies to discover what contaminants are present, what clean-up methods can be employed and how much the clean-up will cost. Endangered species protection measures will also be defined. A state-mandated Environment Impact Report (EIR) and the federal Environment Impact Statement (EIS) will be prepared for the Reuse Plan. The Department of the Navy will cover all present and future abatement costs. If abatement is not completed to the satisfaction of the CSU and if costs are not fully covered by the Navy, the CSU will terminate without penalty its plans to develop the campus.

The U.S. Department of Education, with whom CSU East Bay is working very closely, has requested that the university make a formal expression of interest in the 150-acre site designated as Educational Campus for conveyance via the Department of Education. To carry out this portion of the process, the Department of Education requested a formal application from CSU East Bay no later than April 10, 2009. On April 10, 2009, CSU East Bay's Application for Public Benefit Allowance Acquisition of Surplus Federal Real Property for Education Purposes was submitted to the U.S. Department of Education.

Although a fiscal crisis continues to confront the California in general and the CSU in particular, planning regarding the Concord Naval Weapons Station continues. The proposed acquisition

reflects CSU East Bay's strategy to meet the long-term educational needs of the Concord area and to establish a CSU East Bay Concord branch campus.

As previously mentioned, preliminary studies have identified the location of the future branch campus, and potential environmental impacts are currently being analyzed. At the same time, cooperative and collaborative relationships with local municipalities; coordination with local, state, and federal agencies; transitional needs; and the timeframe for action regarding the availability of the property are under development. Other related planning matters include the involvement of the California Postsecondary Education Commission, coordination with other educational entities, and legislative and congressional interests.

Conceptually, the new CSU East Bay Concord branch campus, if approved, will reflect an innovative and creative approach not only to the teaching/learning process, but also in its use of new technologies, as well as relationships with public and private agencies.

The following resolution is presented for approval:

RESOLVED, By the Board of Trustees of the California State University, that the Board supports the acquisition of a 150-acre portion of the Concord Naval Weapons Station as a future site for a full-service CSU East Bay Concord branch campus to serve the region and the state, and directs the chancellor and staff to explore, with all due diligence, the acquisition of the site so long as all of the following conditions are met. If any of the following conditions are not met, the matter will return to the Board of Trustees for review and approval:

1. Necessary approval by federal and state agencies will be included in further planning processes.
2. The land and facilities deemed necessary for the future campus will be obtained through conveyance pursuant to Section 203 (k) of the Federal Property and Administrative Services Act of 1949, as amended ("Act"), [P.L. No. 81-152, 63 Stat. 377, 40 U.S.C. Section 484 (k) (1)], Reorganization Plan No. 1 of 1953, the Department of Education Organization Act of 1979, [P.L. No. 96-88, 93 Stat. 668, 20 U.S.C. Section 3401 et seq.].
3. The land to be conveyed for California State University use must include sufficient and substantial land for a campus "footprint" including, at a minimum, a significant amount of land to accommodate the academic core of a full-service campus.
4. Applicable federal and California legal requirements for environmental review shall be met.

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5. The federal government must take all remedial action necessary to return the property to commercial/industrial standards and to protect human health and the environment with respect to any hazardous substances on the subject property and, specifically, shall be responsible for fully funding and removing any and all hazardous and toxic substances from the project site in a timely manner even if discovered after the CSU has received the property via Public Benefit Conveyance.
6. The federal government shall indemnify and hold harmless the CSU from any and all environmental liability related to this project. This includes, but is not limited to, Environmental Protection Agency CERCLA enforcement actions.
7. The Local Reuse Authority, City of Concord, and/or other state or local agencies will be responsible for the funding, design and construction of the infrastructure; utilities; community facilities; parks, recreation and open space; transportation and rapid transit facilities and improvements, all with sufficient capacity to support the development of the educational campus, according to the adopted Base Reuse Plan, sized to accommodate the full build out of the planned 25,000 FTE campus.
8. The Local Reuse Authority, City of Concord, and/or other state or local agencies will not request or require the CSU to participate in the funding of any present or future fair share costs related to identified mitigation measures to reduce or eliminate significant off-site environmental impacts identified during the state or federal environmental impact review process and certification for the build out of the 25,000 FTE campus.
9. The Local Reuse Authority and/or City of Concord will agree to fund build out of the proposed branch campus should state funding not be available for the design and construction of academic buildings to support initial and future branch campus growth. If, in this case, the Local Reuse Authority and/or City of Concord determine they are unwilling to fund the build out, the CSU will return the land to the City of Concord.
10. The Local Reuse Authority and/or City of Concord shall certify that its Reuse Plan, including the 150-acre Educational Campus, has been approved by the United States Department of Housing and Urban Development; and, be it further

RESOLVED, By the Board of Trustees of the California State University, that

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subject to ultimate approval of such terms as may be established by the government of the United States in connection with its approval and transfer of such lands and property, the following resolution recommended by the U.S. Department of Education is approved:

WHEREAS, certain real property owned by the United States, located in the county of Contra Costa, State of California, has been declared surplus and is subject to assignment for disposal for educational purposes by the Secretary of Education, under the provisions of section 203 (k) (l) of the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended, and rules and regulations promulgated pursuant thereto, more particularly described as follows: 150-acres situated on the former Concord Naval Weapons Station (see Attachments A and B); and,

WHEREAS, the California State University needs and can utilize said property for educational purposes in accordance with the requirements of said Act and the rules and regulations promulgated thereunder of which this Board is fully informed; and,

WHEREAS, the California State University has made application to the Secretary of Education for the above-mentioned property; now, therefore, be it

RESOLVED, that the California State University shall secure the transfer to it of the above-mentioned property for said use upon and subject to such exceptions, reservations, terms, covenants, agreements, conditions, and restrictions as the Secretary of Education, or his authorized representative, may require in connection with the disposal of said property under said Act and the rules and regulations issued pursuant thereto; and, be it further

RESOLVED, that the California State University acknowledges that the Department of Education requires that if it is unable to place the property into use within the time limitations indicated below (or determines that a deferral of use should occur), the California State University may be required to pay to the Department for each month of nonuse beginning 12 months after the date of the deed, or 36 months where construction or major renovation is contemplated, the sum of 1/360 of the then market value for each month of nonuse. However, the California State University is unable to agree to this term and condition; and, be it further

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RESOLVED, that subject to the conditions set forth in Nos. 1-10 above, the California State University has legal authority, and is willing to do and perform any and all acts that may be necessary to carry out the foregoing resolution, including the preparing, making, and filing of plans, applications, reports, and other documents, and execution, acceptance, delivery, and recordation of agreements, deeds, and other instruments pertaining to the transfer of said property, and the payment of any and all sums necessary for fees and related charges including costs incurred in connection with the transfer of said property for surveys, title searches, appraisals, recordation of instruments, or escrow costs; and, be it further

RESOLVED, that if the Application for Public Benefit Allowance Acquisition of Surplus Federal Real Property for Educational Purposes is approved subject to the conditions stated herein, a copy of the application and standard deed conditions will be filed with the permanent minutes of the Board.

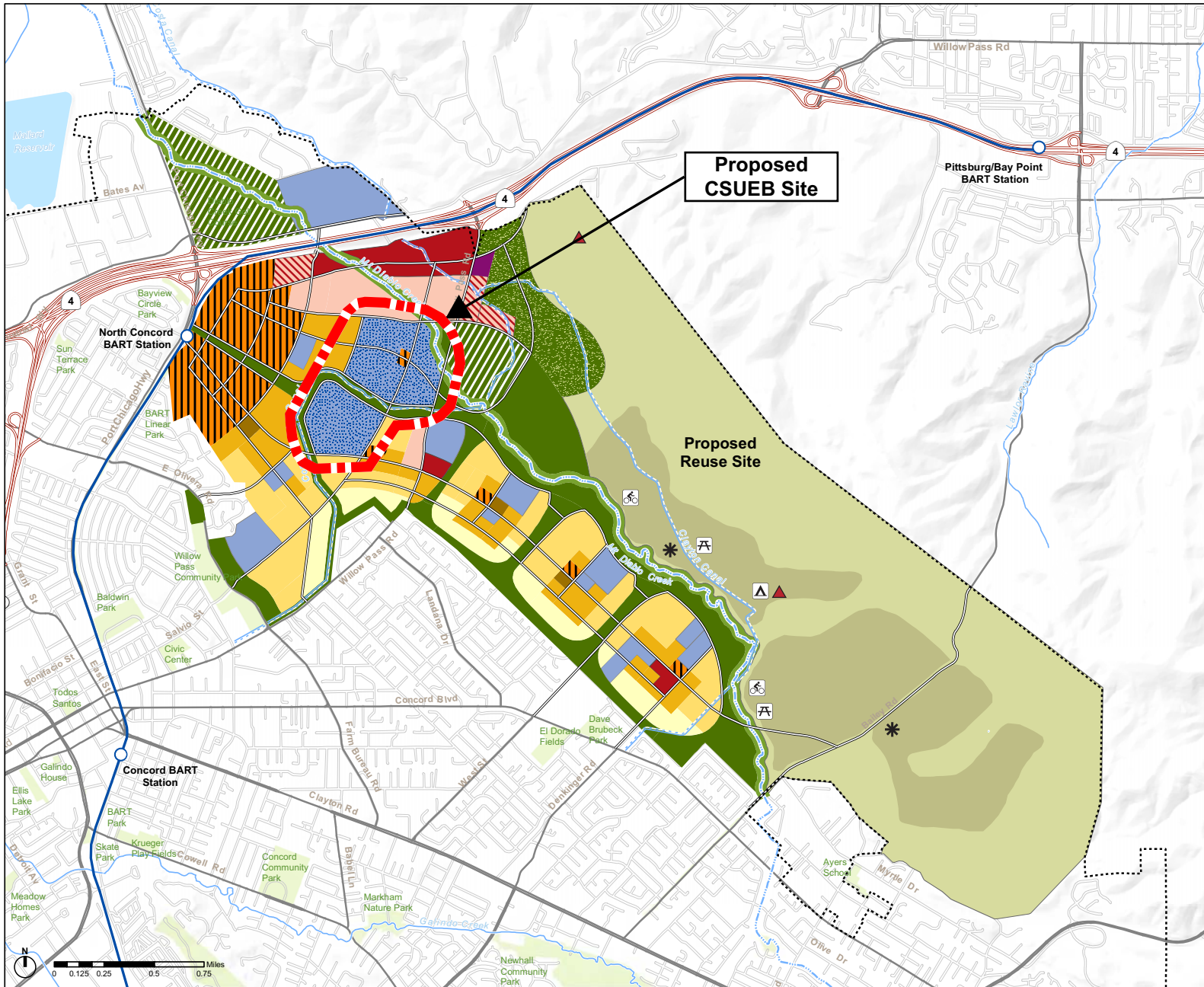


Concord Naval Weapons Station in Relation to CSU East Bay and Contra Costa Off-Campus Center



Source: ESRI.com
 Notes: Distances are approximate.





Legend

Land Uses

- Transit-Oriented Development (Mixed Use)
- High-Density Residential
- Medium-Density Residential
- Medium-Low-Density Residential
- Low-Density Residential
- Commercial Office
- Commercial Retail
- Commercial/Retail Flex Space
- Commercial Hotel
- Community Facilities
- Educational Campus
- Open Space
- Parks and Recreation
- Riparian Corridor
- Golf Course and Tournament Facilities
- Recreation/Residential Low Density Flex Area
- Potential Recreation Areas (Subject to habitat restriction)
- Recreation Sites & Staging Areas (per East Bay Regional Park District (EBRPD) plan)
- Environmental Education, Historical Interpretation & Port Chicago Visitors Center (per EBRPD plan)

Base Map

- Concord City Limit
- Parks and Open Space
- Mt. Diablo Creek
- Other Creek or Stream
- Canal
- Highway
- Arterial Street
- Local Street
- Bay Area Rapid Transit Line
- BART Station

Notes & Sources

Note: Locations of icons are illustrative depictions only and subject to habitat mitigation constraints.

Concord
Community Reuse Plan

**The Clustered Villages Reuse Plan
Adopted by City of Concord February 23, 2010**