

**MINUTES**  
of the  
**FORT ORD REUSE AUTHORITY**  
**BOARD OF DIRECTORS' MEETING**  
Fort Ord Reuse Authority Conference Facility/Bridge Center  
September 11, 2009

1. CALL TO ORDER AND ROLL CALL

Chair Ralph Rubio called the September 11, 2009 meeting of the Board of Directors to order at 3:30 p.m. and requested a roll call.

Voting members present:

Chair/Mayor Rubio (City of Seaside)	Supervisor Parker (County of Monterey)
Mayor McCloud (City of Carmel)	Mayor Edelen (City of Del Rey Oaks)
Councilmember McCall (City of Marina)	Councilmember Mancini (City of Seaside)
Councilmember Kampe (City of Pacific Grove)	Mayor Pendergrass (City of Sand City)
Councilmember Selfridge (City of Monterey)	Councilmember Barnes (City of Salinas)

Absent were Councilmember Gray (City of Marina) and Supervisor Calcagno (County of Monterey). Arriving after the meeting was called to order was Supervisor Potter (County of Monterey).

Ex-Officio members present:

Debbie Hale (TAMC)	Jim Main (CSUMB)
Gail Youngblood (BRAC)	Kenneth Nishi (Marina Coast Water District)
Dr. Marilyn Shepherd (MPUSD)	

Absent were representatives from the 17<sup>th</sup> Congressional District, the 15<sup>th</sup> State Senate District, the 27<sup>th</sup> State Assembly, UC Santa Cruz, and the U.S. Army. Arriving after the meeting was called to order was Hunter Harvath (Monterey-Salinas Transit). Vicki Nakamura (Monterey Peninsula College) arrived during the discussion of Item 6b.

With a quorum present Chair Rubio opened the meeting.

2. PLEDGE OF ALLEGIANCE

Chair Rubio asked Mayor McCloud, who agreed, to lead the Pledge of Allegiance.

3. ACKNOWLEDGEMENTS AND ANNOUNCEMENTS

Chair Rubio announced that a special joint hearing would be held by the Senate and Assembly Local Government Committees in Sacramento on September 28 to discuss issues restricting use of tax increment/redevelopment revenues for vacant lands on former military bases that are slated for commercial development. He introduced and welcomed Jerry Edelen, the newly seated mayor of Del Rey Oaks. Chair Rubio asked for a moment of silence for the people who lost their lives on September 11, 2001.

4. PUBLIC COMMENT PERIOD - none
5. CONSENT AGENDA

There were four items on the Consent Agenda: Item 5a (August 14, 2009 board meeting minutes), Item 5b (Phase IV General Jim Moore Boulevard and Phase I Eucalyptus Road Improvement Project: Notice of Completion), Item 5c (Executive Officer's goals for FY 2009-10) and Item 5d (Amendment to Master Agreement for Professional Services – Creegan+D'Angelo (Capital Improvement Program On-Site Transportation)). Mayor McCloud asked if there were two versions of the Executive Officer's goals for FY 2009-10 and Executive Officer Houlemard pointed out that there was only one version but that some text had been added at the direction of the board during the June 12<sup>th</sup> Closed Session. There were no public comments. **Motion to approve all four items on the Consent Agenda was made by Supervisor Potter, seconded by Councilmember Mancini, and carried.**

6. OLD BUSINESS

Item 6a – Preston Park Housing Area

Item 6a(1) – Review of Rabobank debt consolidation/ refinancing status: Executive Officer Houlemard reported that the property appraisal had been received and was shared with the City of Marina. He said the appraisal would be discussed in Closed Session. He commended the bank for their diligent work, along with Marina's assistance, which could be the basis for the negotiations for their acquisition of the property, once the board acts to appoint a negotiating committee. There were no public or board comments.

Item 6a(2) – Appoint an ad hoc committee to negotiate the City of Marina's buy-out of FORA's interest in the Preston Park Housing Area: Chair Rubio opened the discussion of appointments to the negotiating committee. He said the members of the original ad hoc committee that was appointed at the June 2009 board meeting might be willing to serve. Monterey Councilmember Selfridge also agreed to serve. **Motion to reappoint the members of the ad hoc committee appointed in June and add Councilmember Selfridge to serve as FORA's representatives on the ad hoc negotiating committee was made by Councilmember Mancini and seconded by Supervisor Parker.** Mr. Houlemard said that Council members McCall and Gray will likely still represent the City of Marina. Supervisor Parker asked that the committee members be named for the records. They are Chair/Mayor Rubio, Supervisor Potter, and Council members Kampe and Selfridge from FORA, and Council members McCall and Gray from the City of Marina. There were no public comments, and **the motion carried.**

Item 6b – Capital Improvement Program ("CIP") – FY 2009/10 through 2021/22: Executive Officer Houlemard provided a summary of the discussions by the Administrative Committee and the difficulty of placing projects in time, along with the use of any revenues that might be forthcoming, during the current economic downturn. He said the Administrative Committee and CIP Committee members concurred with the staff recommendation to extend the current FY 2008-09 through 2021/22 CIP through June 30, 2010. Supervisor Parker remarked that extending the CIP nine months seemed like a long time and suggested revisits to the document, perhaps quarterly, along with progress updates to the Board, in case a final decision could be made sooner. Mr. Houlemard commented that work on the 2010/11 through 2021/22 CIP would normally begin in December, but that could be delayed. Mayor Pendergrass asked what happens to the CIP when FORA sunsets in 2014, and Mr. Houlemard replied that the LAFCO process would kick in. There were no public

comments. **Motion was made by Supervisor Parker and seconded by Councilmember Barnes to extend the current CIP until December 31, 2009, and direct staff to provide a year-end status report to the board.**

Mayor McCloud expressed concern about the currently forecasted swine flu epidemic this fall and winter and its impact on public meetings and the jurisdictions' continuity of function. Ms. Hale reported that that the County was planning to give a presentation on these issues at the October Special Districts Managers' meeting. Chair Rubio asked if the city managers have been scheduled to hear this presentation, and Ms. Hale said she would have to check.

7. NEW BUSINESS - none

8. EXECUTIVE OFFICER'S REPORT

There were five items in this report: Item 8a (Administrative Committee report), Item 8b (Status update of outstanding receivables), Item 8c [Habitat Conservation Plan ("HCP") status report], Item 8d (UXO/Countermine/Range 2009 Forum report) and Item 8e (Executive Officer's travel report): Executive Officer Houlemard provided summaries of each item. Additional remarks follow.

**Re Item 8b(1) – East Garrison project:** Executive Officer Houlemard announced that Union Community Partners ("UCP"), the new financial partnership assuming the East Garrison project, had sent FORA a check for all the delinquent interest payments. UCP has also agreed to pay the outstanding Pollution Legal Liability insurance payments "within days." **Motion to authorize the Executive Officer to negotiate a reimbursement agreement with UCP was made by Councilmember Mancini and seconded by Councilmember McCall.** There were no public comments and **the motion carried.**

**Re Item 8b(2) – Del Rey Oaks:** Mr. Houlemard reported that a check covering Del Rey Oaks' 2008 Pollution Legal Liability insurance premium had been received from Daniel Dawson, the new city manager. Mr. Dawson also indicated that he would like to work out a payment plan for Del Rey Oaks' remaining outstanding payments.

**Re Item 8b(3) - AMBAG:** Mr. Houlemard noted that this item would be discussed in Closed Session. Mayor Pendergrass asked if FORA members who serve on the AMBAG board have a conflict of interest if they participate in the current discussions, and Executive Officer Houlemard replied no that AMBAG receivables were now Marina Coast Water Districts' obligations.

**Re Item 8c – Habitat Conservation Plan ("HCP") status report:** Executive Officer Houlemard added to the staff report that he anticipates publication of the HCP this fiscal year.

**Re Item 8d - UXO/Countermine/Range Forum:** Mr. Houlemard called attention to the staff report attachments and reported that there is considerable national interest in the Fort Ord cleanup methodology. He briefly described the panels where FORA ESCA Project Manager Stan Cook and LFR ESCA Project Manager Kristie Reimer had made presentations, which had resulted in an invitation to present at the Battelle International Conference next year. He said the excellent relations the ESCA team has maintained with the community, the Army, the regulators and others have been instrumental in moving the cleanup project forward, which has resulted in encouraging the Army to speed up their Fort Ord cleanup project. The new technologies that have been utilized on former Fort Ord and across the nation have more than proven their worth and actually lowered some costs, an example being the soil removal process.

**Re Item 8e - Executive Officer's travel report:** Mr. Houlemard said board approval was necessary for this trip, because a lack of a quorum at the September 2<sup>nd</sup> meeting prevented the

Executive Committee from acting on this item. He provided details of the trip to Washington, DC. **Motion to approve the Executive Officer's trip to Washington, DC, from September 15-18, 2009, was made by Mayor McCloud and seconded by Supervisor Potter.** There were no public comments and **the motion carried.**

Chair Rubio adjourned the regular meeting to the Closed Session at 4:05 p.m.

9. CLOSED SESSION

There were two items in the Closed Session, both involving a conference with real property negotiators. The subjects in **Item 9a** were two parcels in Imjin Office Park. Under negotiation were the lease terms and conditions, and reimbursements, which involved FORA and Marina Coast Water District. The Preston Park Housing Area price and the terms and conditions of sale were the negotiation points between FORA and the City of Marina in **Item 9b**. Authority Counsel Bowden said that a conflict of interest existed for the Marina board member to remain present during Item 9b, and Councilmember McCall agreed to recuse himself from the discussion.

10. REPORT OUT OF CLOSED SESSION

Authority Counsel Bowden reported that the board heard oral reports from the staff on each item and gave direction to its negotiators. The board also authorized the Executive Officer to represent FORA in the negotiations with Marina Coast Water District regarding the lease terms and conditions, and the reimbursements.

11. ADJOURNMENT

Chair Rubio adjourned the meeting at 4:16 p.m.

Minutes prepared by Linda Stiehl, Deputy Clerk

Approved by \_\_\_\_\_  
Michael A. Houlemard, Jr., Executive Officer/Clerk