Fort Ord Reuse Authority

920 2nd Avenue, Ste. A, Marina, CA 93933
Phone: (831) 883-3672 ● Fax: (831) 883-3675 ● www.fora.org

BOARD OF DIRECTORS MEETING

Friday, November 18, 2011 - 3:30 p.m.

910 2nd Ave, Marina (on the former Fort Ord)

AGENDA

1. **CALL TO ORDER AND ROLL CALL**

2. **PLEDGE OF ALLEGIANCE**

3. **ACKNOWLEDGEMENTS, ANNOUNCEMENTS, AND CORRESPONDENCE**
   a. Former Fort Ord selected for a Feasibility Study under the Environmental Protection Agency's "RE-Powering America's Land Initiative"
   b. Recruitment for Principal Analyst

4. **PUBLIC COMMENT PERIOD:** Members of the audience wishing to address the Fort Ord Reuse Authority ("FORA") Board on matters within the jurisdiction of FORA, but not on this agenda, may do so during the Public Comment Period. Public comments are limited to a maximum of three minutes. Public comments on specific agenda items will be heard at the time the matter is under Board consideration.

5. **CONSENT AGENDA** ACTION
   a. October 14, 2011 FORA Board meeting minutes
   b. 2012 Fort Ord Reuse Authority board meeting dates
   c. Budget adjustment to Creegan + D'Angelo construction inspection services contract

6. **OLD BUSINESS**
   a. Preston Park – disposition update INFORMATION
   b. California Central Coast Veterans Cemetery - update INFORMATION

7. **NEW BUSINESS**
   a. CONSISTENCY DETERMINATION: City of Seaside Housing Element ACTION
   b. Fort Ord Reuse Authority 2012 Legislative Agenda/Work Plan ACTION

8. **EXECUTIVE OFFICER'S REPORT**
   a. Outstanding Receivables INFORMATION/ACTION
      i. Outstanding Receivables – report
      ii. Authorize the FORA Executive Officer to negotiate a FY 07-08 tax increment payment agreement with the City of Marina
   b. Administrative Committee – report INFORMATION
   c. Finance Committee – report INFORMATION/ACTION
      i. Receive the October 28, 2011 meeting minutes
      ii. Approve modifications to the Fort Ord Reuse Authority Board Policy regarding outstanding receivables late fees
   d. Legislative Committee – report INFORMATION
   e. Habitat Conservation Plan – status report INFORMATION

9. **ITEMS FROM MEMBERS** INFORMATION

10. **CLOSED SESSION** - As permitted by CA Government Code Section 54956, the Fort Ord Reuse Authority may adjourn to a Closed or Executive Session to consider specific litigation, personnel, property negotiations or other legal matters.

    a. Potential Litigation – City of Marina
       i. Tax Increment Revenue
    b. Preston Park Mediation – instructions to Counsel
    c. Conference with Authority Counsel: Pending Litigation - pursuant to subdivision (b) of California Government Code Section 54956.9: one case

11. **REPORT OUT OF CLOSED SESSION**

12. **ADJOURNMENT**

*Information about items on this agenda or persons requesting disability related modifications and/or accommodations can contact the Deputy Clerk at: 831-883-3672 * 920 2nd Avenue, Ste. A, Marina, CA 93933 by 5:00 p.m. one business day prior to the meeting. Agendas can also be found on the FORA website: www.fora.org.*

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BOARD OF DIRECTORS MEETING

Friday, October 14, 2011
3:30 p.m. Carpenters Union Hall
910 2nd Ave, Marina (on the former Fort Ord)

MINUTES

1. **CALL TO ORDER AND ROLL CALL** Chair Potter called the October 14, 2011, Board of Directors meeting to order at 3:32 p.m.

Fort Ord Reuse Authority Board of Directors:

Voting members present (quorum present at call to order)

Chair/Supervisor Potter (County of Monterey)
1st Vice Chair/Mayor Edelen (City of Del Rey Oaks)
Mayor Pendergrass (City of Sand City)
Mayor Pro-Tem Kampe (City of Pacific Grove)
Supervisor Parker (County of Monterey)
2nd Vice Chair/Mayor Pro-Tem O'Connell (City of Marina)
Mayor McCloud (City of Carmel-by-the-Sea)
Mayor Bachofner (City of Seaside)
Councilmember Brown (City of Marina)
Councilmember Oglesby (City of Seaside)
Jim Cook (County of Monterey)

Arriving after the roll: Mayor Donohue (City of Salinas), Councilmember Selfridge (City of Monterey)

Ex-Officio members present:

Assemblymember Monning (27th State Assembly District)
Kevin Saunders (California State University Monterey Bay ("CSUMB"))
Dr. Doug Garrison (Monterey Peninsula College ("MPC"))
COL Joel Clark (United States Army)
Don Bachman (Transportation Agency for Monterey County ("TAMC")
Bill Collins (Base Realignment and Closure ("BRAC"))
Graham Bice (University of California Santa Cruz ("UCSC"))

Arriving after the roll: Hunter Harvath (Monterey Salinas Transit) and Alec Arago (17th Congressional District)

Absent: Dr. Shepard (Monterey Peninsula Unified School District) and Kenneth Nishi (Marina Coast Water District ("MCWD")), Representation from the 15th State Senate District.

PLEDGE OF ALLEGIANCE - Chair Potter asked Assemblymember Monning, who agreed, to lead the Pledge of Allegiance.

2. **ANNOUNCEMENTS** – Executive Officer Houlemard thanked the board and members of the public for attending the Open House celebration of the new offices at the Imjin Office Park and thanked Marina Coast Water District.

3. **PUBLIC COMMENT PERIOD** - LeVonne Stone, Director of the Fort Ord for Environmental Justice, commented her concerns regarding the status of the desalinization project. She also announced a book entitled "Environmental Health and Racial Equity in the United States" regarding building environmentally just, sustainable, and livable communities, from Clark Atlanta University, noting if anyone wanted a copy to see her.

4. **CONSENT AGENDA**
   a. September 16, 2011 FORA/MCWD joint meeting minutes
   b. September 16, 2011 FORA Board meeting minutes
   c. Claim by Builders Exchange and Carpenters Union

   Mr. Houlemard noted a correction on Page 2 of 6, paragraph 3, of the Joint FORA/MCWD minutes, stating the text should read "MCWD" board instead of "FORA" board. Mayor Edelen also clarified his attendance at the FORA board meeting held on September. Mayor ProTem O'Connell asked about the claim by the Builders Exchange and Carpenters Union, and if there was a partnership agreement with FORA. Mr. Houlemard stated that FORA legal counsel Jerry Bowden has consulted with other attorneys and had indicated there was not a "partnership" agreement. Chair Potter noted Mr. Bowden was not in attendance. **Motion to approve the consent agenda as amended was made by Mayor McCloud, seconded by Mayor ProTem Kampe. Mayor McCloud requested that since meetings were recorded, only action minutes be taken in the future. Motion carried unanimously.**

5. **OLD BUSINESS**
   a. Preston Park – Mr. Houlemard gave an update on the disposition of Preston Park and informed the board that the negotiating team met with the mediator and an offer was made by the City of Marina. The item was discussed further under Closed Session.
   b. California Central Coast Veterans Cemetery – Senior Planner, Jonathan Garcia stated that the board packets included an updated Memorandum of Understanding which passed both the City of Seaside and County of Monterey. Supervisor Parker asked that FORA consider providing a bridge loan for the application deadline. Chair Potter said that would be up to the Finance and Executive Committees to discuss further.

6. **NEW BUSINESS** - none

7. **EXECUTIVE OFFICER'S REPORT**

   Executive Officer Houlemard stated that the items were for informational purposes and highlighted the following: 7a Outstanding Receivables: Mr. Houlemard reported that there were outstanding receivables from the City of Del Rey Oaks which continues but that the City keeps the interest on the loan current and the City of Marina has an existing agreement for outstanding tax increment receivables for 08/09. He noted there is an outstanding 07/08 item scheduled for closed session. Mr. Houlemard discussed the Monterey County lease with Ord Market and that the revenue was less (therefore the amount owed is less) than initially thought. Mayor ProTem O'Connell requested that staff add a column for amount of interest paid to date. **Motion to refer the outstanding receivables policy issues to the Finance Committee for review and recommendation to the Board at the November 18, 2011 meeting made by Mayor Edelen, seconded by Councilmember Oglesby and carried.** 7b Administrative Committee - Mr. Houlemard stated that the Administrative Committee is continuing to work hard on behalf of the jurisdictions. 7c Legislative Committee – Alec Arago reported that there is a lot of work left to be done and without a structure like FORA it would be very difficult. Assemblymember Monning reported that there have been productive meetings with the Sierra Club and various stakeholders and that we must present a unified front in the community to extend the life of FORA. He also commented on the Central Coast Cemetery and the bill that was signed by the Governor saving $500,000 in construction costs by working with FORA as the primary contractor. 7d Habitat Conservation Plan – a status report was given by Senior Planner, Jonathan Garcia and final comments have been made for the preliminary HCP report. He said the next draft will go to the Wildlife agencies.7e Fort Ord Reuse Authority extension – update. LeVonne Stone has issue with the membership and how will the community be involved?

She said that she would like to see that over-site would be more inclusive of the community. She inquired why the "community" was not more represented on FORA. Mayor McCloud would like to see a regional solution that our community can sustain. She said that we need to think collectively to see what can be sustained. She said that she would like a report on the scenic highway plan. Mr. Houlemard said that these issues can be included as a part of the Base Reuse Plan study for the consultant. MAH said that he met with LeVonne Stone this past week and ensured that she would receive a copy of the HCP. He said that the Administrative Committee is reviewing the document and in January the final document will be available for the board. 7f Travel report – Mr. Houlemard highlighted the conference sessions held in Washington, DC regarding future regulatory responsibilities. He noted the trip was at the expense of Federal Government (EPA). Mr. Houlemard explained that under Executive Order 12898, regarding environmental justice FORA has an obligation to report 5 year reviews on the properties under the ESCA, and long-term stewardship obligations past the life of FORA. LeVonne Stone commented on the resolution by President Clinton, she asked the FORA board support employment equities and Equal Employment Opportunity. Councilmember Oglesby requested a report from staff and agendize (for a future meeting) an update on this issue.

8. **ITEMS FROM MEMBERS** - none

9. **CLOSED SESSION**
   a. City of Marina tax increment indebtedness – potential litigation
   b. Preston Park Mediation

10. **REPORT OUT OF CLOSED SESSION** - The Board gave direction to the Executive Officer for action to be taken. **Motion by Mayor ProTem Kampe, seconded by Mayor Pendergrass, motion carried unanimously.**

11. **ADJOURNMENT** – There being no further business, Chair Potter adjourned the meeting at 6:10 p.m.

Minutes prepared by Daylene Alliman, Deputy Clerk

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

Return to Agenda

FORT ORD REUSE AUTHORITY BOARD REPORT

CONSENT AGENDA

Subject:	2012 Fort Ord Reuse Authority board meeting dates	
Meeting Date:	November 18, 2011	**ACTION**
Agenda Number:	5b	

RECOMMENDATION:

Approve the Fort Ord Reuse Authority ("FORA") board meeting dates for 2012 as attached.

BACKGROUND/ DISCUSSION:

In October or November of each year, the FORA Executive Committee reviews the dates of the FORA board meetings for the coming year. Although the FORA Master Resolution states that board meetings shall be held on the second Friday of each month, national holidays, conferences and other events present conflicts that make it advisable to adjust the meeting dates so that a quorum at board meetings can be assured. The Executive Committee reviewed the draft 2012 Board meeting dates at their November 9th meeting and found no need for exceptions to the second Friday rule. Please see the attached draft of the recommended 2012 meeting dates. When the Board approves these dates, they will be widely distributed and also posted on the FORA website (www.fora.org).

Once the board meeting dates have been set, the suggested Administrative, Executive, Legislative, and Finance Committee meeting dates are presented to the respective committee members for approval. Following approval, these calendars are then widely distributed via fax or email and also uploaded on the FORA website for future reference. Any changes to any of the meeting dates will be publicly noticed and members will be notified in advance.

FISCAL IMPACT:
Reviewed by FORA Controller

Staff time for this item is included in the approved FY 11-12 budget.

COORDINATION:

Executive Committee

Prepared by _____ Approved by _____
Daylene Alliman Michael A. Houlemard, Jr.

Attachment A
To Item 5b
FORA Board Meeting – November 18, 2011

Fort Ord Reuse Authority

920 2nd Avenue, Ste. A, Marina, CA 93933
Phone: (831) 883-3672 • Fax: (831) 883-3675 • www.fora.org

FORA BOARD MEETING DATES 2012

(Approved by the FORA Board on_____)

JANUARY 13	JULY 13
FEBRUARY 10	AUGUST 10
MARCH 9	SEPTEMBER 14
APRIL 13	OCTOBER 12
MAY 11	NOVEMBER 16
JUNE 8	DECEMBER 14

Board meetings are usually held on the 2nd Friday of each month and begin at 3:30 pm, unless otherwise noticed/announced. These meetings are held in the Carpenters Union Hall on the former Fort Ord, 910 Second Avenue, Marina, CA 93933). ***Meeting dates and times are subject to change.*** Please call the FORA office for up-to-date information or check the FORA website (www.fora.org) or the posted or published public notices for any changes.

Return to Agenda

FORT ORD REUSE AUTHORITY BOARD REPORT

CONSENT AGENDA

Subject:	Budget adjustment to Creegan+ D'Angelo construction inspection services contract	
Meeting Date:	November 18, 2011	**ACTION**
Agenda Number:	5c	

RECOMMENDATION:
Authorize an amendment for a $41,000 increase to the Creegan + D'Angelo ("C+D") Construction Inspection contract due to additional work on the General Jim Moore Boulevard ("GJMB") and Eucalyptus Road completion project. See **Attachment A:** C+D fee amendment request (inclusive of an attachment from their sub-contractor Pacific Crest Engineering) for further breakdown of work and costs incurred. The $41,000 increase will allow C+D and their sub-contractors to close out the project with no additional fees or further billing required.

DISCUSSION:
The additional billing was due to a number of factors, including 10 to 11 hour work days and weekend work to accelerate the schedule and best utilize the asphalt grinder which was on the project site under sub-contract. This resulted in overtime billing for geotechnical and inspection services. Also, due to the size and length of the project, work occurring simultaneously on separate ends required additional personnel on site to provide adequate observation and testing.

Additionally, the incorporation of recycled asphalt grindings from the old alignment of GJMB required additional observation and geotechnical testing work. The original contract price for removing the abandoned piece of GJMB was $90,000. Thinking globally, Ford Ord Reuse Authority staff chose to recycle and reuse the grindings by incorporating them into the new roadbed for the extension of Eucalyptus Road. This eliminated the need for the City of Seaside to perform the removal, and disposal at a hazardous waste receptacle site, at a later date for an amount near $500K. The area between new GJMB and the resident's back yards is now a contiguous swath of open space which will be hydroseeded with local material prior to construction completion.

FISCAL IMPACT:
Reviewed by FORA Controller _____
The additional $41,000 will be covered by the EDA grant (50% local match) to the extent of the remaining grant funds available; any excess will be covered by Community Facilities District fees.

COORDINATION:
City of Seaside, Environmental Services Cooperative Agreement

Prepared by _____ Reviewed by _____
Crissy Maras D. Steven Endsley

Approved by _____
Michael A. Houlemard, Jr.

Creegan + D'Angelo

Attachment A to Item 5c
FORA Board Meeting, 11/18/11

November 8, 2011

707007 & 707010

Jim Arnold
Fort Ord Reuse Authority
100 12th St., Bldg 2880
Marina, CA 93933

RE: Request for Amendment to Construction Services Contract #AEI-1209

Dear Jim:

Per our previous discussions, Creegan & D'Angelo (C+D) is requesting this budget amendment for the General Jim Moore Boulevard (GJMB) and Eucalyptus Road (EUC) Construction Administration and Inspection Services contract based on unforeseen additional scope of work on the project completion phase of the contract.

The additional scope of work is as follows:

1. Additional Geotechnical Engineering inspection, observation and testing by Pacific Crest Engineering (PCE) for the period August 1 through October 31 2011 due to accelerated contractor schedule combined with the use of AC grindings from old GJMB. A letter from PCE dated November 2, 2011 describes in detail the reasons for Geotechnical Engineering services beyond the original budgeted amount of $25,000 (estimate as provided by PCE for the project completion on EUC based on the previous construction operations on GJMB and EUC)

PCE's fees for Geotechnical Engineering inspection, observation and testing services during the period from August 1 – October 31 total over $64,000 including C+D's 15% administrative markup. Our request for budget amendment is this amount less the budgeted amount of $25,000.

Item 1. FEE REQUEST=$39,000

2. Additional Electrical Engineering inspection, response to RFI's and associated design changes and recalculation for voltage drop due to change in field locations of the electrical conduit for street light layout on EUC.

Item 2. FEE REQUEST=$2,500

TOTAL FEE REQUEST ITEMS 1-2 = $41,500

Understanding that this contract is based on Time and Materials, these are merely budget amounts representing the estimated costs for C+D's consultant team to complete the remaining project scope of work.

Creegan+D'Angelo

Thank you for your consideration in this matter. Please feel free to contact me if you have any questions.

Sincerely,

Richard Simonitch
Engineering Manager

RGS/rgs

Attachment: copy of letter from PCE

Pacific Crest Engineering Inc. www.4pacific-crest.com

444 Airport Blvd, Suite 106
Watsonville, CA 95076
Phone: 831-722-9446
Fax: 831-722-9158

November 2, 2011 Project No. 03102.06-M242-E11

Creegan + D'Angelo Engineers
225H Cannery Row
Monterey, CA 93940

Attention: Mr. Richard Simonitch, P.E.

Subject: Billing Issues
Eucalyptus Road, Phase II
Seaside, California

Dear Mr. Simonitch,

As you know, our total project billings for the period of August 1 to September 30, 2011 have totaled $51,317.45. This billing has exceeded the original budget planned for geotechnical services, and a meeting was held on October 13, 2011, to review this issue with FORA staff.

The additional billing was due to a number of factors, which included the following:

- The Contractor chose to work 10 to 11 hour days and on weekends to accelerate the schedule. This resulted in overtime billing to the project.

- During initial mass grading, 4 scrapers were on-site with only one smooth drum roller present. The smooth drum roller could not keep up with the pace of the fill placement which required additional time for observation and testing.

- During initial mass grading, the Contractor had four major fill areas under construction at the same time (including keyways at the toe of fills). Given the size and length of the project, we needed two Field Technicians on-site to have adequate time to observe and test the fill placement.

- The Contractor chose to use recycled AC grindings which required additional observation work to make sure the material was acceptable as an engineered aggregate base material.

- During initial placement of the AC grindings, the Contractor chose to limit the number and size of compaction equipment brought onto the job site. As an example, during the first day of placement for the AC grindings, 10 bottom dump trucks were brought on-site with only 1 compactor present. This required additional time to properly break down the material and compact it to a uniform product.

- The Contractor did not assist with backfilling the infiltrators, this was left to a Subcontractor to perform this work. We believe this required additional time as well.

For the period of October 1 to October 24, 2011, our billing to this project has totaled $4,370.00. We understand there is limited work left to do on Hilby Avenue. We therefore assume no more than 8 hours of Field Technician time would be required for this task, plus staff time to prepare a final compaction report for the entire project. Our total estimated fee for these remaining services is $1,620.00. Therefore, our October billing plus the Hilby Avenue work plus the final report is estimated to total $5,990.00.

Based on our review of the Daily Field Reports and associated staff billing, we estimate the "grindings" portion of our observation and testing work resulted in 46 hours of regular staff time, 30 hours of staff overtime, and an approximate billing of $10,093.

We hope this letter helps with an understanding of why there was additional billing to this project.

Should you have any questions regarding this letter, please contact our office. We can be reached at (831) 722-9446.

Very truly yours,

PACIFIC CREST ENGINEERING INC.

Michael D. Kleames, G.E.
Vice-President/Principal Geotechnical Engineer
G.E. 2204
Exp. 3/31/12

Copies: 2 to Creegan + D'Angelo

Return to Agenda

FORT ORD REUSE AUTHORITY BOARD REPORT

OLD BUSINESS

Subject:	Preston Park – disposition update	
Meeting Date: **Agenda Number:**	November 18, 2011 6a	**INFORMATION**

RECOMMENDATION(S):

Receive an update on the disposition of Preston Park.

BACKGROUND/DISCUSSION:

The Fort Ord Reuse Authority ("FORA") and the City of Marina ("Marina") initiated Preston Park sale negotiations two years ago. An appraisal jointly commissioned by FORA and Marina and conducted by CB Richard Ellis, Inc. was carried out in August 2010 and established a value for Preston Park. Earlier this year, FORA and Marina agreed to conduct mediation meetings in an attempt to conclude negotiations. Marina and FORA representatives attended a mediation meeting with retired judge Richard Silver on August 2, 2011. Significant progress was made. A second mediation session was held on October 6, 2011. Retired judge Richard Silver spoke to the Board in closed session on October 14, 2011. As of this writing, Marina and FORA continue to participate in the mediation process.

FISCAL IMPACT:
Reviewed by FORA Controller _____

Costs associated with Preston Park disposition including legal and mediation costs are included in the approved FY 11-12 operating budget.

COORDINATION:

Marina, Executive Committee, Authority Counsel, special legal counsel, Judicial Arbitration and Mediation Services, Inc. ("JAMS"), and Preston Park ad hoc Negotiating Committee.

Prepared by _____ Reviewed by _____
Jonathan Garcia Steve Endsley

Approved by _____
Michael A. Houlemard, Jr.

Return to Agenda

FORT ORD REUSE AUTHORITY BOARD REPORT

OLD BUSINESS

Subject:	California Central Coast Veterans Cemetery – update	
Meeting Date:	November 18, 2011	**INFORMATION**
Agenda Number:	6b	

RECOMMENDATION(S):

Receive an update on the California Central Coast Veterans Cemetery ("CCCVC").

BACKGROUND/DISCUSSION:

The State Assembly and Senate passed AB 629 earlier this summer. Governor Brown signed AB 629 into law on September 7, 2011, allowing the California Department of Veterans Affairs ("CDVA") to contract directly with FORA to conduct veterans cemetery design, potentially reducing the Endowment Fund requirement by $500,000. AB 629 will go into effect in January 2012.

FORA, Seaside, and County staff are currently reviewing FORA's most recent estimate for conducting the cemetery design work in two phases (**Attachment A**). If there are any changes to the estimate, FORA will provide them to CDVA. CDVA will work with the California Department of Finance ("CDF") with the aim to obtain their sign-off to use FORA's estimate instead of the California Department of General Services' ("CDGS") higher estimate as a basis for the endowment funding requirement needed to allow cemetery design to proceed. There is no specific deadline, but, depending on whether FORA's or CDGS's estimate is used by CDF, either $560,000 or $1,006,000 would need to be deposited into the State's Veterans Cemetery Endowment in order for phase I design (called Preliminary Plans) to begin. Another $948,000 to $960,000 would be needed to begin phase II design (called Working Drawings).

FISCAL IMPACT:
Reviewed by FORA Controller

Staff time related to this item is included in FORA's annual budget.

COORDINATION:

City of Seaside, County of Monterey, CDVA, CDF, CDGS, Executive Committee, and Administrative Committee.

Prepared by Jonathan Garcia
Jonathan Garcia

Reviewed by D. Steven Endsley
Steve Endsley

Approved by Michael A. Houlemard, Jr.
Michael A. Houlemard, Jr.

DRAFT

June 20, 2011
Job No.: 2232.04

Attachment A to Item 6b
FORA Board Meeting, 11/18/11

FORA / CONSULTANT FEE PRELIMINARY COST ESTIMATE
COST COMPARISON FOR PRELIMINARY PLANS AND WORKING DRAWINGS
CALIFORNIA CENTRAL COAST VETERANS CEMETERY
MONTEREY COUNTY, CALIFORNIA

	Category	Pre Plans DGS Estimate	Pre Plans FORA Estimate	DGS - FORA Difference	Notes
ARCHITECTURAL AND ENGINEERING SERVICES					
1	A&E Design	$ 536,800	$ 231,000	$ 305,800	*Includes 10% Contingency*
2	Construction Inspection	$ -	$ -	$ -	
3	Construction Inspection Travel	$ -	$ -	$ -	
4	Project Scheduling & Cost Analysis	$ -	$ -	$ -	
5	Advertising, Printing and Mailing	$ -	$ -	$ -	
6	Construction Guarantee Inspection	$ -	$ -	$ -	
	SUBTOTAL A&E SERVICES	**$ 536,800**	**$ 231,000**	**$ 305,800**	
OTHER PROJECT COSTS					
7	Special Consultants	$ 102,400	$ -	$ 102,400	
8	Materials Testing	$ -	$ -	$ -	
9	Project/Construction Management	$ 141,740	$ 69,000	$ 72,740	
10	Contract Construction Management	$ -	$ -	$ -	
11	Site Acquisition Cost & Fees	$ 75,000	$ 75,000	$ -	*Assume No Change*
12	Agency Retained Items	$ -	$ -	$ -	
13	ASBE/DVBE Assessment	$ -	$ -	$ -	
14	School Checking	$ -	$ -	$ -	*N/A*
15	Hospital Checking	$ -	$ -	$ -	*N/A*
16	Essential Services	$ -	$ -	$ -	*N/A*
17	Handicapped Checking	$ -	$ -	$ -	
18	Environmental Document (Neg Dec)	$ 139,140	$ 159,500	$ (20,360)	*Assumes EIR/EIS*
19	Due Diligence	$ 10,000	$ -	$ 10,000	*Cost Included in 1.*
20	Other Costs - (SFM)	$ 920	$ 920	$ -	*Assume No Change*
21	Other Costs - (Permit/Reg. Fees)	$ -	$ -	$ -	
22	Other Costs - (ARF Assessment)	$ -	$ -	$ -	
23	Construction Staking	$ -	$ -	$ -	
24	Tree Mitigation and Plan (if required)	$ -	$ 25,000	$ (25,000)	*Forest Management Plan*
	SUBTOTAL OTHER PROJECT COSTS	**$ 469,200**	**$ 329,420**	**$ 139,780**	
	TOTAL PROJECT COSTS	**$ 1,006,000**	**$ 560,420**	**$ 445,580**	

ASSUMPTIONS

1 *This fee estimate is based on Phase 1 construction being similar to that shown on the Conceptual Master Plan of 2008, without the loop road to the Amphitheater and the road to Artillery Hill*
2 *FORA Working Drawings will include earthwork for approximately half the site to eliminate the need for a UXO tech in first five phases*
3 *Preliminary Plans will commence in 2011. Working Drawings will commence in the first quarter of 2012*
4 *Project shall follow LEED standards but not require LEED certification*
5 *Design numbers do not include Construction Administration Services or Construction Staking*
6 *Preliminary Plan Design numbers include items under the SCGP Grant Process that are titled Master Plan and Schematic Submission*
7 *DGS Estimates are based on the 4/11/2011 Budget*

DRAFT

June 20, 2011
Job No.: 2232.04

FORA / CONSULTANT FEE PRELIMINARY COST ESTIMATE
COST COMPARISON FOR PRELIMINARY PLANS AND WORKING DRAWINGS
CALIFORNIA CENTRAL COAST VETERANS CEMETERY
MONTEREY COUNTY, CALIFORNIA

	Category	Working Drawings DGS Estimate	Working Drawings FORA Estimate	DGS - FORA Difference	Notes
ARCHITECTURAL AND ENGINEERING SERVICES					
1	A&E Design	$ 658,170	$ 651,000	$ 7,170	*Includes 10% Contingency*
2	Construction Inspection	$ -	$ -	$ -	
3	Construction Inspection Travel	$ -	$ -	$ -	
4	Project Scheduling & Cost Analysis	$ -	$ -	$ -	
5	Advertising, Printing and Mailing	$ 25,000	$ 25,000	$ -	*Assume No Change (inc. travel)*
6	Construction Guarantee Inspection	$ -	$ -	$ -	*Assume No Change*
	SUBTOTAL A&E SERVICES	**$ 683,170**	**$ 676,000**	**$ 7,170**	
OTHER PROJECT COSTS					
7	Special Consultants	$ 35,800	$ 100,000	$ (64,200)	*Soil Management Plan*
8	Materials Testing	$ -	$ -	$ -	
9	Project/Construction Management	$ 209,750	$ 161,000	$ 48,750	
10	Contract Construction Management	$ -	$ -	$ -	
11	Site Acquisition Cost & Fees	$ -	$ -	$ -	
12	Agency Retained Items	$ -	$ -	$ -	
13	ASBE/DVBE Assessment	$ -	$ -	$ -	
14	School Checking	$ -	$ -	$ -	*N/A*
15	Hospital Checking	$ -	$ -	$ -	*N/A*
16	Essential Services	$ -	$ -	$ -	*N/A*
17	Handicapped Checking	$ 8,200	$ 8,200	$ -	*Assume No Change*
18	Environmental Document (Neg Dec)	$ 20,320	$ -	$ 20,320	
19	Due Diligence	$ -	$ -	$ -	*Cost Included in 1.*
20	Other Costs - (SFM)	$ 2,760	$ 2,760	$ -	*Assume No Change*
21	Other Costs - (Permit/Reg. Fees)	$ -	$ -	$ -	
22	Other Costs - (ARF Assessment)	$ -	$ -	$ -	
23	Construction Staking	$ -	$ -	$ -	
24	Tree Mitigation and Plan (if required)	$ -	$ -	$ -	
	SUBTOTAL OTHER PROJECT COSTS	**$ 276,830**	**$ 271,960**	**$ 4,870**	
	TOTAL PROJECT COSTS	**$ 960,000**	**$ 947,960**	**$ 12,040**	

ASSUMPTIONS

1 *This fee estimate is based on Phase 1 construction being similar to that shown on the Conceptual Master Plan of 2008, without the loop road to the Amphitheater an the road to Artillery Hill*
2 *FORA Working Drawings will include earthwork for approximately half the site to eliminate the need for a UXO tech in first five phases*
3 *Preliminary Plans will commence in 2011. Working Drawings will commence in the first quarter of 2012*
4 *Project shall follow LEED standards but not require LEED certification*
5 *Design numbers do not include Construction Administration Services or Construction Staking*
6 *Preliminary Plan Design numbers include items under the SCGP Grant Process that are titled Master Plan and Schematic Submission*
7 *DGS Estimates are based on the 4/11/2011 Budget*

DRAFT

June 20, 2011
Job No.: 2232.04

FORA / CONSULTANT FEE PRELIMINARY COST ESTIMATE
COST COMPARISON FOR PRELIMINARY PLANS AND WORKING DRAWINGS
CALIFORNIA CENTRAL COAST VETERANS CEMETERY
MONTEREY COUNTY, CALIFORNIA

	Category	Total DGS Estimate	Total FORA Estimate	DGS - FORA Difference	Notes
ARCHITECTURAL AND ENGINEERING SERVICES					
1	A&E Design	$ 1,194,970	$ 882,000	$ 312,970	*Includes 10% Contingency*
2	Construction Inspection	$ -	$ -	$ -	
3	Construction Inspection Travel	$ -	$ -	$ -	
4	Project Scheduling & Cost Analysis	$ -	$ -	$ -	
5	Advertising, Printing and Mailing	$ 25,000	$ 25,000	$ -	
6	Construction Guarantee Inspection	$ -	$ -	$ -	
	SUBTOTAL A&E SERVICES	**$ 1,219,970**	**$ 907,000**	**$ 312,970**	
OTHER PROJECT COSTS					
7	Special Consultants	$ 138,200	$ 100,000	$ 38,200	
8	Materials Testing	$ -	$ -	$ -	
9	Project/Construction Management	$ 351,490	$ 230,000	$ 121,490	
10	Contract Construction Management	$ -	$ -	$ -	
11	Site Acquisition Cost & Fees	$ 75,000	$ 75,000	$ -	*Assume No Change*
12	Agency Retained Items	$ -	$ -	$ -	
13	ASBE/DVBE Assessment	$ -	$ -	$ -	
14	School Checking	$ -	$ -	$ -	*N/A*
15	Hospital Checking	$ -	$ -	$ -	*N/A*
16	Essential Services	$ -	$ -	$ -	*N/A*
17	Handicapped Checking	$ 8,200	$ 8,200	$ -	
18	Environmental Document (Neg Dec)	$ 159,460	$ 159,500	$ (40)	*Assumes EIR/EIS*
19	Due Diligence	$ 10,000	$ -	$ 10,000	*Cost Included in 1.*
20	Other Costs - (SFM)	$ 3,680	$ 3,680	$ -	*Assume No Change*
21	Other Costs - (Permit/Reg. Fees)	$ -	$ -	$ -	
22	Other Costs - (ARF Assessment)	$ -	$ -	$ -	
23	Construction Staking	$ -	$ -	$ -	
24	Tree Mitigation and Plan (if required)	$ -	$ 25,000	$ (25,000)	*Forest Management Plan*
	SUBTOTAL OTHER PROJECT COSTS	**$ 746,030**	**$ 601,380**	**$ 144,650**	
	TOTAL PROJECT COSTS	**$ 1,966,000**	**$ 1,508,380**	**$ 457,620**	

ASSUMPTIONS

1. *This fee estimate is based on Phase 1 construction being similar to that shown on the Conceptual Master Plan of 2008, without the loop road to the Amphitheater and the road to Artillery Hill*
2. *FORA Working Drawings will include earthwork for approximately half the site to eliminate the need for a UXO tech in first five phases*
3. *Preliminary Plans will commence in 2011. Working Drawings will commence in the first quarter of 2012*
4. *Project shall follow LEED standards but not require LEED certification*
5. *Design numbers do not include Construction Administration Services or Construction Staking*
6. *Preliminary Plan Design numbers include items under the SCGP Grant Process that are titled Master Plan and Schematic Submission*
7. *DGS Estimates are based on the 4/11/2011 Budget*

Assumptions:

1- The fee estimates are based on Phase 1 construction being similar to that shown on the Conceptual Master Plan of 2008, without the loop road to the Amphitheater and the road to Artillery Hill

2- FORA Working Drawings will include earthwork for approximately half the site to eliminate the need for a UXO tech in first five phases

3- Preliminary Plans will commence in 2011. Working Drawings will commence in the first quarter of 2012

4- Project shall follow LEED standards but not require LEED certification

5- Design does not include Construction Administration Services or Construction Staking

6 - Preliminary Plan Design numbers include items under the SCGP Grant Process that are titled Master Plan and Schematic Submission

Design Services

Consultant	Firm	Preliminary Plans Estimated Fee	Working Drawings Estimated Fee	Total Estimated Fee
Landscape Architect	RHAA	$93,000	$139,000	$232,000
Civil Engineer	Whitson Engineers	$57,000	$132,000	$189,000
Architecture	HKIT Architecture	$16,000	$144,000	$160,000
Mechanical Engineer	List Engineering	$0	$24,000	$24,000
Structural Engineer	Howard Carter Associates	$0	$37,000	$37,000
Electrical Engineer	Fehr Engineering	$6,000	$16,000	$22,000
Cost Estimator	Saylor Consulting Group	$18,200	$27,400	$45,600
Geotech	Kleinfelder	$0	$2,000	$2,000
Project Management	RHAA	$20,000	$70,000	$90,000
	TOTAL:	**$210,200**	**$591,400**	**$801,600**
	10% Contingency	$21,020	$59,140	$80,160
	Total with Contingency	**$231,220**	**$650,540**	**$881,760**

Environmental Services

Environmental Planner	Denise Duffy & Associates	
Technical Reports/Analysis Likely Required		
· Noise Study		$5,000
· Air Quality -		$7,000
· Greenhouse Gas Analysis -		$6,000
· Traffic -		$10,000
· Tree Impact Analysis -		$8,000
· Visual Analysis -		$3,500
· Cultural Section 106 -		$4,000
· Biological/Section 7 Consultation -		$6,000
ESTIMATE SUBTOTAL		$49,500
IS/MND		$85,000
	Total	**$134,500**
If EIR/EIS instead of IS/MND	additional	**$25,000**

Specialized Construction Services

Testing

Field Technician (Soils/asphalt/concrete):	~~$68,000~~	
Laboratory Testing (soils, asphalt and concrete):	~~$7,000~~	
Administration and Reporting:	~~$10,000~~	
Staking	~~$130,000~~	
On-Site Construction Manager		
Assumptions- 12 months construction	~~$180,000~~	
Environmental Monitoring	~~$25,000~~	
Soils Management Plan		$100,000
Tree Mitigation and Plan (if required)	$25,000	
	~~$75,000~~	

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FORT ORD REUSE AUTHORITY BOARD REPORT

NEW BUSINESS

Subject:	CONSISTENCY DETERMINATION: City of Seaside Housing Element	
Meeting Date:	November 18, 2011	**ACTION**
Agenda Number:	7a	

RECOMMENDATION(S):

Approve Resolution 11-06 (**Attachment A**), concurring in the City of Seaside's ("Seaside") legislative land use decision that the Seaside Housing Element Update 2009-2014("Housing Element") is consistent with the Fort Ord Base Reuse Plan ("BRP").

BACKGROUND:

Seaside submitted the Housing Element for consistency determination on October 25, 2011 (**Attachment B**). Seaside requested a Legislative Land Use Decision review of the Housing Element in accordance with section 8.02.010 of the Fort Ord Reuse Authority ("FORA") Master Resolution. Under state law, (as codified in FORA's Master Resolution) legislative land use decisions (plan level documents such as General Plans, Zoning Codes, Housing Elements, Redevelopment Plans, etc.) must be scheduled for FORA Board review under strict timeframes. This item is included on the Board agenda because the Housing Element is a legislative land use decision, requiring Board approval.

The FORA Administrative Committee reviewed this item on November 9, 2011.

DISCUSSION:

Seaside staff will be available to provide additional information to the FORA Board on November 18, 2011. In all consistency determinations, the following additional considerations are made and summarized in a table (**Attachment C**).

Rationale for consistency determinations FORA staff finds that there are several defensible rationales for making an affirmative consistency determination. Sometimes additional information is provided to buttress those conclusions. In general, it is noted that the BRP is a framework for development, not a precise plan to be mirrored. However, there are thresholds set in the resource constrained BRP that may not be exceeded without other actions, most notably 6,160 new residential housing units and a finite water allocation. More particularly, the rationales for consistency analyzed are:

LEGISLATIVE LAND USE DECISION CONSISTENCY FROM SECTION 8.02.010 OF THE FORA MASTER RESOLUTION

(a) In the review, evaluation, and determination of consistency regarding legislative land use decisions, the Authority Board shall disapprove any legislative land use decision for which there is substantial evidence support by the record, that:

(1) Provides a land use designation that allows more intense land uses than the uses permitted in the Reuse Plan for the affected territory;

The Housing Element would not establish a land use designation that is more intense than the uses permitted in the BRP since the Housing does not amend Seaside General Plan text or land use map. A Housing Element must be updated every five to seven years by State law. This Housing Element's planning cycle is from 2009 to 2014. The Housing Element is one of seven required elements of the Seaside General Plan.

(2) Provides for a development more dense than the density of uses permitted in the Reuse Plan for the affected territory;

No sites will be rezoned and no increase in density would be permitted by the Housing Element.

(3) Is not in substantial conformance with applicable programs specified in the Reuse Plan and Section 8.02.020 of this Master Resolution;

The Housing Element meets applicable program conditions.

(4) Provides uses which conflict or are incompatible with uses permitted or allowed in the Reuse Plan for the affected property or which conflict or are incompatible with open space, recreational, or habitat management areas within the jurisdiction of the Authority;

The Housing Element is compatible with open space, recreational, or habitat management areas.

(5) Does not require or otherwise provide for the financing and/or installation, construction, and maintenance of all infrastructure necessary to provide adequate public services to the property covered by the legislative land use decision;

Seaside development within the former Fort Ord that is affected by the Housing Element will pay its fair share of the basewide costs through the FORA Community Facilities District special tax and tax increment that will accrue to FORA, as well as land sales revenues.

(6) Does not require or otherwise provide for implementation of the Fort Ord Habitat Management Plan;

The Fort Ord Habitat Management Plan ("HMP") designates certain parcels for "Development," in order to allow economic recovery through development while promoting preservation, enhancement, and restoration of special status plant and animal species in designated habitats. The Housing Element only affects lands that are located within areas designated for "Development" under the HMP. Lands designated as "Development" have no management restrictions placed upon them as a result of the HMP. The Housing Element would not conflict with implementation of the Fort Ord HMP.

(7) Is not consistent with the Highway 1 Scenic Corridor design standards as such standards may be developed and approved by the Authority Board; and

The Housing Element would not modify Highway 1 Scenic Corridor design standards.

(8) Is not consistent with the jobs/housing balance requirements developed and approved by the Authority Board as provided in Section 8.02.020(t) of this Master Resolution.

The Housing Element addresses the maintenance of a variety of housing types and prices so that households of all income levels are able to have the opportunity to find suitable ownership or rental housing. This is consistent with the jobs/housing balance approved by the FORA Board.

Additional Considerations

(9) Is not consistent with FORA's prevailing wage policy, section 3.03.090 of the FORA Master Resolution.

The Housing Element does not modify prevailing wage requirements for future development entitlements within Seaside's former Fort Ord footprint.

FISCAL IMPACT:
Reviewed by FORA Controller

This action is regulatory in nature and should have no direct fiscal, administrative, or operational impact. In addition to points already dealt with in this report, it is clarified that the developments expected to be charged with reuse subject to the Housing Element are covered by the Community Facilities District or other agreement that ensure a fair share payment of appropriate future fees to mitigate for impacts delineated in the 1997 BRP and accompanying Environmental Impact Report. Seaside has agreed to provisions for payment of all required fees for future developments in the former Fort Ord under its jurisdiction.

Staff time related to this item is included in FORA's annual budget.

COORDINATION:

Seaside, Planners Working Group, Administrative Committee, and Executive Committee

Prepared by Jonathan Garcia Reviewed by D. Steven Endsley
Jonathan Garcia Steve Endsley

Approved by
Michael A. Houlemard, Jr.

ATTACHMENT A to Item 7a
FORA Board Meeting, 11/18/11

Resolution 11-06

Resolution Determining Consistency of)
the City of Seaside Housing Element)

THIS RESOLUTION is adopted with reference to the following facts and circumstances:

A. On June 13, 1997, the Fort Ord Reuse Authority ("FORA") adopted the Final Base Reuse Plan under Government Code Section 67675, et seq.

B. After FORA adopted the reuse plan, Government Code Section 67675, et seq. requires each county or city within the former Fort Ord to submit to FORA its general plan or amended general plan and zoning ordinances, and to submit project entitlements, and legislative land use decisions that satisfy the statutory requirements.

C. By Resolution No. 98-1, the Authority Board of FORA adopted policies and procedures implementing the requirements in Government Code 67675, et seq.

D. The City of Seaside ("Seaside") is a member of FORA. Seaside has land use authority over land situated within the former Fort Ord and subject to FORA's jurisdiction.

E. After a noticed public meeting on January 27, 2011, the City of Seaside adopted the General Plan Amendment for City of Seaside Housing Element ("Housing Element"), affecting lands on the former Fort Ord. Seaside also found the Housing Element is consistent with the Fort Ord Base Reuse Plan, FORA's plans and policies and the FORA Act and considered the Fort Ord Base Reuse Plan Environmental Impact Report ("EIR") in their review and deliberations.

F. On January 27, 2011, the City of Seaside recommended that FORA concur in the City's determination that FORA's Final Base Reuse Plan, certified by the Board on June 13, 1997, and the Housing Element are consistent. Seaside submitted to FORA its Housing Element together with the accompanying documentation.

G. Consistent with the Implementation Agreements between FORA and Seaside, on October 25, 2011, Seaside provided FORA with a complete copy of the submittal for lands on the former Fort Ord, the resolutions and/or ordinance approving it, a staff report and materials relating to the City of Seaside's action, a reference to the environmental documentation and/or CEQA findings, and findings and evidence supporting its determination that the Housing Element is consistent with the Fort Ord Base Reuse Plan and the FORA Act (collectively, "Supporting Material"). Seaside requested that FORA certify the Housing Element as being consistent with the Fort Ord Base Reuse Plan for those portions of Seaside that lie within the jurisdiction of FORA.

H. FORA's Executive Officer and the FORA Administrative Committee reviewed Seaside's application for consistency evaluation. The Executive Officer submitted a report recommending that the FORA Board find that the Housing Element is consistent with the Fort Ord Base Reuse Plan. The Administrative Committee reviewed the Supporting Material, received additional information, and concurred with the Executive

Officer's recommendation. The Executive Officer set the matter for public hearing regarding consistency of the Housing Element before the FORA Board on November 18, 2011.

I. Master Resolution, Chapter 8, Section 8.02.010(a)(4) reads in part: "(a) In the review, evaluation, and determination of consistency regarding legislative land use decisions, the Authority Board shall disapprove any legislative land use decision for which there is substantial evidence supported by the record, that [it] (4) Provides uses which conflict or are incompatible with uses permitted or allowed in the Reuse Plan for the affected property..."

J. In this context, the term "consistency" is defined in the General Plan Guidelines adopted by the State Office of Planning and Research as follows: "An action, program, or project is consistent with the general plan if, considering all its aspects, it will further the objectives and policies of the general plan and not obstruct their attainment."

K. FORA's consistency determination must be based upon the overall congruence between the submittal and the Reuse Plan, not on a precise match between the two.

NOW THEREFORE be it resolved:

1. The FORA Board recognizes the City of Seaside's January 27, 2011 recommendation that the FORA Board find consistency between the Fort Ord Base Reuse Plan and the Housing Element was appropriate.

2. The Board has reviewed and considered the Fort Ord Base Reuse Plan Final Environmental Impact Report and Seaside's environmental documentation is adequate and complies with the California Environmental Quality Act. The Board finds further that these documents are sufficient for purposes of FORA's determination for consistency of the Housing Element.

3. The Board has considered the materials submitted with this application, the recommendation of the Executive Officer and Administrative Committee concerning the application and oral and written testimony presented at the hearings on the consistency determination, which are hereby incorporated by reference.

4. The Board finds that the Housing Element is consistent with the Fort Ord Base Reuse Plan. The Board further finds that the legislative decision made herein has been based in part upon the substantial evidence submitted regarding allowable land uses, a weighing of the Base Reuse Plan's emphasis on a resource constrained sustainable reuse that evidences a balance between jobs created and housing provided, and that the cumulative land uses contained in Seaside's submittal are not more intense or dense than those contained in the Base Reuse Plan.

5. The Housing Element will, considering all their aspects, further the objectives and policies of the Final Base Reuse Plan. The Seaside application is hereby determined to satisfy the requirements of Title 7.85 of the Government Code and the Fort Ord Base Reuse Plan.

Upon motion by _____, seconded by _____, the foregoing resolution was passed on this 18th day of November, 2011, by the following vote:

AYES:
NOES:
ABSTENTIONS:
ABSENT:

I, Supervisor Potter, Chair of the Board of Directors of the Fort Ord Reuse Authority of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of the said Board of Directors duly made and entered under Item ___, Page ___, of the board meeting minutes of _____, 2011 thereof, which are kept in the Minute Book resident in the offices of the Fort Ord Reuse Authority.

DATED_____ BY_____

Dave Potter
Chair, Board of Directors
Fort Ord Reuse Authority

Attachment B to Item 7a
FORA Board Meeting, 11/18/11

MEMORANDUM **City of Seaside**
Resource Management Services

Date: October 25, 2011

To: Steve Endsley, Acting Assistant Executive Officer/Director of Planning and Finance

From: Rick Medina, Senior Planner

Subject: Web link for City of Seaside Housing Element Update 2009-2014 and Initial Study and Negative Declaration

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This memorandum is part of the City of Seaside's submittal for a FORA consistency determination for City of Seaside Housing Element Update 2009-2014. An Initial Study and Negative Declaration for the Housing Element Update was prepared and certified in accordance with the California Environmental Quality Act.

Interested persons/agencies can access all documents which have been included in the FORA Consistency Determination Package for City of Seaside Housing Element Update 2009-2014 on the City's website (http://www.ci.seaside.ca.us/index.aspx?page=191#HE). Posted documents include:

- Exhibit A: Consistency Analysis Table
- California Department of Housing and Community Development certification letter dated August 26, 2010
- January 27, 2011 Public Hearing to consider adoption of the Housing Element Update 2009-2014 and Negative Declaration
  - Public Hearing Notice published January 13, 2011
  - January 27, 2011 Seaside City Council Agenda
  - City of Seaside Housing Element Update 2009-2014 Power Point Presentation
  - January 27, 2011 Housing Element Update 2009-2014 Staff Report
    - Exhibit "A": Resolution No. 11-01: Initial Study/Negative Declaration
      - Attachment 1 – Environmental Initial Study and Negative Declaration
    - Exhibit "B": Resolution No. 11-02: General Plan Amendment Revised Housing Element
      - Attachment 1 - 2009-2014 Housing Element Update and Technical Appendices
    - Exhibit "C": July 16, 2009 Joint City Council/Planning Commission Study Session Minutes
    - Exhibit "D": October 14, 2009 Planning Commission Study Session Minutes

ATTACHMENT C to Item 7a
FORA Board Meeting, 11-18-11

FORA Master Resolution Section	Finding of Consistency	Justification for finding
(1) Does not provide for a land use designation that allows more intense land uses than the uses permitted in the Reuse Plan for the affected territory;	Yes	The Housing Element does not establish land use designations more intense than permitted in the Base Reuse Plan ("BRP").
(2) Does not provide for a development more dense than the density of uses permitted in the Reuse Plan for the affected territory;	Yes	The Housing Element does not allow denser development than permitted in the BRP.
(3) Is in substantial conformance with applicable programs specified in the Reuse Plan and Section 8.02.020 of this Master Resolution.	Yes	The Housing Element is in compliance with applicable programs. See Seaside's Exhibit A – (a) to (t), pages 1-6.
(4) Does not provide uses which conflict with or are incompatible with uses permitted or allowed in the Reuse Plan for the affected property or which conflict with or are incompatible with open space, recreational, or habitat management areas within the jurisdiction of the Authority;	Yes	No conflict or incompatibility exists between the Housing Element and BRP. See Seaside's Exhibit A – (a) to (d), page 1.
(5) Requires or otherwise provides for the financing and/or installation, construction, and maintenance of all infrastructure necessary to provide adequate public services to the property covered by the legislative land use decision;	Yes	The Housing Element does not modify Seaside obligations to contribute to basewide costs. See Seaside's Exhibit A – (n) and (o), page 5.
(6) Requires or otherwise provides for implementation of the Fort Ord Habitat Management Plan ("HMP").	Yes	The Housing Element provides for HMP implementation. See Seaside's Exhibit A – (a) to (d), page 1.
(7) Is consistent with the Highway 1 Scenic Corridor design standards as such standards may be developed and approved by the Authority Board.	Yes	Future housing projects within the Highway 1 Scenic Corridor will be reviewed by Seaside and FORA for compliance. See Seaside's Exhibit A – page 6.
(8) Is consistent with the jobs/housing balance requirements developed and approved by the Authority Board as provided in Section 8.02.020(t) of this Master Resolution.	Yes	The Housing Element is consistent with job/housing balance requirements. See Seaside's Exhibit A – (t), page 6.
(9) Prevailing Wage	Yes	The Housing Element does not modify prevailing wage requirements. See Seaside's Exhibit A – pg. 6.

Return to Agenda

FORT ORD REUSE AUTHORITY BOARD REPORT

NEW BUSINESS

Subject:	Fort Ord Reuse Authority 2012 Legislative Agenda/Work Plan	
Meeting Date:	November 18, 2011	**ACTION**
Agenda Number:	7b	

RECOMMENDATION:

Approve the 2012 Fort Ord Reuse Authority ("FORA") Legislative Agenda as attached.

BACKGROUND/DISCUSSION:

Since 2000, the Legislative Committee has solicited legislative, regulatory, policy and/or resource allocation suggestions from the jurisdictions, which will enhance and move forward the reuse and redevelopment of the former Fort Ord. JEA and Associates (FORA's legislative representatives in Sacramento), staff and others are also asked to recommend items and assist in crafting the language. The Legislative Committee approved the attached draft of the 2012 Legislative Agenda Work Plan at their October 31st meeting.

The items on the annual Legislative Agenda serve as the focus of the annual Legislative Mission to Washington, DC, which usually occurs in early spring. Selected FORA board and staff members travel to the nation's capital to meet with key legislative, military, and governmental leaders to discuss FORA's positions and needs. It is possible that the Executive Officer may recommend a more limited Federal Legislative Mission in 2012. The approved Legislative Agenda, however, stands as a statement of FORA's legislative, regulatory, policy and/or resource allocation needs.

FISCAL IMPACT:
Reviewed by FORA Controller _____

Staff time for this item is included in the approved FY 11-12 budget. It is anticipated that the extra legislative work associated with the Veterans Cemetery and the extension of FORA may require additional funding for consultant and travel costs.

COORDINATION:

Legislative and Executive Committees; JEA & Associates; Assemblymember Bill Monning; Congressman Sam Farr; Senator Sam Blakeslee; and respective staff.

Prepared by _____ Approved by _____
Daylene Alliman Michael A. Houlemard, Jr.

ATTACHMENT to Item 7b
FORA Board Meeting, 11/18/11

Fort Ord Reuse Authority
2012 Legislative Agenda

DRAFT Work Program
(as of 10/18/11)

The 2012 Fort Ord Reuse Authority ("FORA") Legislative Agenda/Work Program defines policy positions on legislative, regulatory, or federal/state resource allocation issues. The program goal is to improve reuse of the former Fort Ord by replacing the regional economic support once offered by military activity on the former Fort Ord. The Legislative Agenda provides baseline direction for state and federal agencies regarding former Fort Ord property transfer, economic development, hazard remediation, habitat management, and infrastructure and mitigation funding. The order of the items herein does not indicate priority as each item is considered a "priority" in achieving FORA's objectives.

A. Potential Legislation regarding Fort Ord Reuse Authority future obligations.

ISSUE: FORA has responsibilities that survive FORA's legislative sunset date, June 30, 2014. One option would be to extend FORA for a limited/fixed period of time. As such, since a legislative action requires a full year lead time, it would be prudent to act on legislation in this coming legislative calendar as was presented to the FORA Board in past meetings.

- **Benefits**: FORA extension retains institutional memory, expertise, financing powers, etc. Extension also maintains existing grant and funding sources, regulatory agency reporting relationships, and the potential to continue current insurance coverage(s).
- **Challenges**: Requires action by state legislature, political issues and perspective of local jurisdictions must be consulted/considered.
- **Proposed Position:** Begin process to extend FORA to a date certain.

B. Continue support for the development of the Central Coast Veterans Cemetery on the former Fort Ord, support legislation that would allow money deposited in the Endowment to be reimbursed after reimbursement has been made by the Federal Department of Veterans Affairs, and implementing the terms of AB 629.

ISSUE: Burial space for California Central Coast veterans is inadequate. Former Fort Ord is centrally located and has land designated for a new veterans cemetery. Assemblymember Bill Monning sponsored legislation to allow FORA to assist in cost containment which is now law. New legislation is needed that would allow money deposited in the State's Cemetery Endowment account by a local entity to be reimbursed after the Federal Department of Veterans Affairs (Federal VA) cemetery design and construction reimbursement occurs and the State VA confirms that sufficient funding for Operations and Maintenance can be sustained after reimbursing local entity. This legislation would bolster local fundraising efforts.

- **Benefits**: This cemetery would provide local burial space for the region's approximately 50,000 veterans. An interment benefit increase would decrease endowment funding needs to support cemetery operations and maintenance.
- **Challenges**: Although the Federal government reimburses the entire cemetery construction cost, the State of California must apply for inclusion in the State Veterans Cemetery program before initiating construction. The cost of design and processing is expected to be more than $2M – with FORA's help that cost could be contained by 25% - implementing will require FORA focus with California Department of Veterans Affairs

and potential close coordination with other state entities. Operating and maintaining the cemetery (estimated at $200,000 +/- per year) must have a guaranteed payer in the form of trust account deposits.

- **Proposed Position**:
  - Support implementation, budget actions and funding options to design, build and operate the Central Coast Veterans Cemetery;
  - Support efforts to sustain priority standing for the Central Coast Veterans Cemetery with the CA and US Departments of Veterans Affairs;
  - Support legislation that would allow money deposited in the Endowment to be reimbursed after Federal VA reimbursement.
  - Support a U.S. Veterans/Administration burial reimbursement increase.

C. Work with the Monterey County Water Resources Agency ("MCWRA"), the Monterey Regional Water Pollution Control Agency ("MRWPCA"), the Marina Coast Water District ("MCWD"), local jurisdictions and others to secure State bond funds and Federal funding to augment FORA's water supply capital needs if and as a regional project moves ahead.

ISSUE: The FORA Capital Improvement Program includes $40-42,000,000 to fund the Water Augmentation Program for the necessary Base Reuse Plan supplemental water needs for complete build-out. Securing funds to assist this requirement, now dependent solely on funding from the FORA Community Facilities District development fees, could help the timely implementation of the recycled water and desalination water facilities.

- **Benefits**: Reuse, as permitted under the Base Reuse Plan, can occur as long as financing and installation of the augmenting water facilities proceed. Additional grant funding could reduce acre-feet per year costs of securing water resources for the jurisdictions and reduce the hefty capital charges that may otherwise be required.
- **Challenges**: Competing water projects throughout the Region and State for scarce proceeds. No current federal program exists for this funding.
- **Proposed Position**: Support and coordinate efforts with MCWD, MCWRA, MRWPCA, other agencies and FORA jurisdictions for securing funding and/or to endorse the use of other fund mechanisms proposed for this purpose.

D. Work with the Transportation Agency for Monterey County ("TAMC") and local jurisdictions to secure transportation funds.

ISSUE: The FORA Capital Improvement Program requires mitigations of more than $125,000,000 for transportation infrastructure on and proximate to the former Fort Ord. Some of this funding requires a local, or other, match from the appropriate regional or state transportation body to bring individual projects to completion.

- **Benefits**: The timely installation of required on-site, off-site and regional roadway improvements supports accommodating development impacts and maintaining and improving levels of service vital to the regional economy.
- **Challenges**: Applying scarce transportation funds to the appropriate projects to optimize transportation system network enhancements. The remaining federal programs that offer grants or low cost resources are dwindling and increasingly competitive. This includes the Tiger Grant Program and special Defense Department programs.
- **Proposed Position**: Support and coordinate with TAMC and others for state infrastructure bonds, federal authorization or other grant/loan resources.

E. Work with the State Assembly Districts and the State Legislature in support of California State University's ("CSU's") requests for campus impact mitigation funds for the CSU Monterey Bay ("CSUMB") campus. Coordinate with CSUMB on requests for building removal and contaminant waste abatement on the former Fort Ord.

ISSUE: a) In July 2006, the State of California Supreme Court ruled that CSU must mitigate off-campus impacts from CSUMB campus development/growth. In order to fund its obligations, CSU requests funds from the State Legislature.

b) Contaminated building removal is a significant expense to CSUMB ($26 million) and other former Fort Ord land use entities ($43 million). A coordinated effort is more likely to achieve funding success and in FY 2010-2011 FORA assisted CSUMB in making application for funding from DOD to fund certain building removal efforts.

- **Benefits**: Supporting state budget approval of off-campus mitigation impact funding requests helps address CSU's fair share contribution. Similarly, a coordinated effort to secure building removal resources will help all levels of the regional reuse program.
- **Challenges**: Competition for state funds will be keen. CSUMB is only one in the 23-campus system – all seeking capital and other funds.
- **Proposed Position**: Support state budget off-campus impact and building removal earmarks requested by CSU for the CSUMB campus and continue coordination with CSUMB for federal support.

F. Work with the County of Monterey to assist Monterey Peninsula College ("MPC") to obtain capital and program funding for its former Fort Ord Public Safety Officer Training Programs.

ISSUE: FORA/County agreed to assist MPC in securing program funds in 2003.

- **Benefits**: The Public Safety Officer Training Program is an important component of MPC's Fort Ord reuse efforts, and will enhance public safety training at the regional and state levels. Adequate funding is critical.
- **Challenges**: Funds available through the Office of Homeland Security, the Office of Emergency Services, or other sources may be restricted.
- **Proposed Position**: Pursue legislative or other actions to support MPC efforts to secure funding sources.

G. Continue/enhance coordination with 17th Congressional District, 15th & 12th State Senate Districts, and 27th & 28th State Assembly Districts to secure HCP approval.

ISSUE: HCP approval remains critical to former Fort Ord reuse. Alternatives to a basewide HCP are costly and time consuming and do not effectively serve the goal of managing or protecting endangered species.

- **Benefits**: HCP approval is essential to protecting habitat and effectively developing jobs and housing for the region.
- **Challenges**: Processing the HCP in past ten years has been frustrating and costly. Insufficient federal and state agency resources and overlapping regulatory barriers have thwarted the HCP process.
- **Proposed Position**: Support legislative and regulatory coordination, state and federal resources, and strong advocacy to enable speedy reviews and processing – insisting on continued vigilance and cooperation among the regulatory agencies.

H. Continue, coordinate and enhance efforts to seek federal National Landscape Conservation System ("NLCS") designation for the former Fort Ord Bureau of Land Management ("BLM") Natural Resource Management Area. The NLCS categories are; 1) National Monuments, National Conservation Areas ("NCA") and similar designations; 2) Wilderness; 3) Wild and Scenic Rivers; and 4) National Trails.

ISSUE: Habitat Conservation Plan ("HCP") approval and implementation are essential to former Fort Ord reuse. Obtaining NLCS categorical designation for BLM's former Fort Ord property supports HCP implementation and future funding eligibility through national recognition of the property's unique ecological and recreational resources.

- **Benefits**: National attention to the unique flora, fauna and recreational resources found on current and future former Fort Ord BLM property. Supports Fort Ord Habitat Management Plan and HCP preservation. Since availability of public and private grant funding fluctuates, having an appropriate national designation emphasizes the national significance of BLM's former Fort Ord property to potential donors and other funding sources. By advocating NLCS designation that affords national recognition, FORA supports the BLM mission and former Fort Ord recreation and tourism, helping BLM become more competitive for resources.
- **Challenges**: Each year, the local BLM office competes nationally to receive public and private grants and federal appropriations that support its mission. Some designation efforts may add unknown restrictions.
- **Proposed Position**: Continue support – work with Congressman Farr's office to introduce/sponsor legislation or advocate an executive order from the President (through the Antiquities Act) for a National Monument designation (or other appropriate national designation) for former Fort Ord BLM property. Assure that designation does not add restrictions that interfere with reuse or HCP implementation.

I. Coordinate efforts with other Monterey Bay agency legislative issues.

ISSUE: Monterey-Salinas Transit, Transportation Agency for Monterey County and the County of Monterey have adopted legislative programs, some will have Fort Ord reuse impacts.

- **Benefits**: Collaborative efforts for funding by agencies involved in the same or interdependent projects will increase the chances to obtain critical funding and also be enhanced by partnering matching funds.
- **Challenges**: State and federal funding is limited during and competition for available funds will be keen.
- **Proposed Position**: Coordinate and support other legislative programs in the Monterey Bay area when they interface with former Fort Ord reuse programs.

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FORT ORD REUSE AUTHORITY BOARD REPORT

EXECUTIVE OFFICER'S REPORT

Subject:	Outstanding Receivables	
Meeting Date:	November 18, 2011	**INFORMATION/ACTION**
Agenda Number:	8a	

RECOMMENDATIONS:

i. Receive a Fort Ord Reuse Authority (FORA) outstanding receivables update as of October 31, 2011.

ii. Authorize the FORA Executive Officer to negotiate a FY 07-08 tax increment payment agreement with the City of Marina.

BACKGROUND/DISCUSSION:

FORA has several significant outstanding receivables. The Late Fee policy adopted by the FORA Board requires receivables older than 90 days be reported to the Board.

	Item Description	Amount Owed		Amount Paid	Amount Outstanding
1 City of Del Rey Oaks	PLL Loan Payment 09-10	182,874		-	182,874
	PLL Loan Payment 10-11	256,023		-	256,023
	PLL Loan Payment 11-12	256,023		-	256,023
	DRO Total				*694,920*
2 City of Marina	Tax Increment 08-09	108,862		108,862	-
	Tax Increment 07-08	111,000		-	111,000
**Final amount to be determined*	Preston Park Excess Revenue	230,000	*	-	230,000
	Marina Total				*341,000*
3 City of Seaside	Tax Increment 03-10	358,830		180,000	178,830
4 Monterey County	Lease revenue 10-11 (Ord Market)	25,000	*	-	25,000
**Amount to be determined*					
	Total Outstanding Receivables				**$ 1,239,750**

1. **City of Del Rey Oaks (DRO)**

- PLL insurance annual payments: In 2009, DRO cancelled agreement with its project developer who previously made the PLL loan payments. The FORA Board approved a payment plan for DRO and the interim use of FORA funds to pay the premium until DRO finds a new developer (who will be required by the City to bring the PLL Insurance coverage current). DRO agreed to make interest payments on the balance owed until this obligation is repaid, and they are current.

Payment status: First Vice Chair Mayor Edelen informed both the Board and Executive Committee that DRO will borrow or secure funds from a new developer to pay off this obligation.

2. **City of Marina (Marina)**

- Tax increment (TI): In the fall of 2010, as directed by the FORA Board during the Capital Improvement Program review, FORA conducted an audit of TI revenue that FORA collects from Seaside, Marina and County of Monterey. The results indicated that FORA is owed property TI payments from Seaside and Marina. Both cities acknowledged the debt.

At the July 2011 meeting, FORA Board approved an MOA with Marina for a phased (2 payments) repayment of the FY 08-09 tax increment obligation.

In June 2011, FORA received additional information from the County of Monterey demonstrating also FY 07-08 underpayment. Marina staff acknowledged this fact, but they were not able to confirm amount or payment timing until review by Redevelopment Counsel; Marina staff indicated that FORA was to receive communication in late July or early August. On September 15 Marina's City Manager disputed responsibility to repay this debt citing statute of limitation provisions. On November 3, after further communications between FORA and Marina, the City attorney advised FORA that Marina agrees to pay the FY 07-08 TI underpayment and proposes payment plan pursuant to an MOA similar to the one for the FY 08-09 underpayment; he also confirmed the amount owed to be $111K.

- **At its November 9, 2011 meeting, the Executive Committee (EC) directed staff to negotiate a repayment agreement with Marina for the FY 07-08 tax increment underpayment. The EC also directed that the first payment be due on January 1, 2012 given that this amount has been due for more than two years.**

Payment status: The FY 08-09 underpayment is paid off.

- Preston Park Excess Revenue: At the August 12, 2011 meeting, the FORA Board assigned staff to direct Alliance (the Preston Park management company) to distribute accumulated FY 08-11 excess revenue. FORA staff formally transmitted this direction to Alliance last month, but were informed by Alliance that Marina instructed them to withhold the distribution.

Payment status: Alliance has not distributed the excess revenue requested by FORA.

3. **City of Seaside (Seaside)**

- Tax increment: Please see paragraph 2 above regarding Seaside tax increment underpayment. At the February 2011 meeting, the FORA Board approved an MOA with Seaside for a phased (4 payments) repayment of this obligation.

Payment status: Seaside paid the first and second installment on time. The next (third) installment payment is due January 31, 2012.

4. **County of Monterey (County)**

- Lease revenue: FORA was notified last week by County staff that the Ord Market Lessee may owe County/FORA in lease revenue. Under the Lease terms, the Lessee pays the larger of basic rent or 3% of gross monthly sales; the Lessee has been paying the basic rent, submitted financial documents set forth underpaid rent for 2010 of about $50K.

Payment status: County is working with the Lessee to determine the amount owed.

FISCAL IMPACT:

Negative. FORA must expend resources or borrow funds until these receivables are collected. The majority of FORA revenues come from member/jurisdiction/agencies and developers. FORA's ability to conduct business and finance its capital obligations depends on a timely collection of these revenues.

COORDINATION:

Finance Committee, Executive Committee

Prepared by _____ **Approved by** _____
Ivana Bednarik Michael A. Houlemard, Jr.

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FORT ORD REUSE AUTHORITY BOARD REPORT

EXECUTIVE OFFICER'S REPORT

Subject:	Administrative Committee - report	
Meeting Date: **Agenda Number:**	November 18, 2011 8b	**INFORMATION**

RECOMMENDATION:

Receive a report from the Administrative Committee.

BACKGROUND/DISCUSSION:

The FORA Administrative Committee met on October 5 and October 19, 2011. Approved minutes are attached.

FISCAL IMPACT:
Reviewed by FORA Controller

Staff time for this item is included in the approved FY 11-12 budget.

COORDINATION:

Administrative Committee

Prepared by _____
Daylene Alliman

Approved by _____
Michael A. Houlemard, Jr.

Fort Ord Reuse Authority

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ADMINISTRATIVE COMMITTEE MEETING
Wednesday – October 5, 2011
8:15 A.M. – Carpenters Union Hall
910 2nd Ave., Marina (on the former Fort Ord)

Minutes

1. **CALL TO ORDER** - Noting a quorum was present, Chair Dawson called the meeting to order at 8:15 a.m. The following people, as indicated by signatures on the roll sheet, were present:

Nick Nichols, County of Monterey	Daylene Alliman, FORA
John Marker, CSUMB	Ian Gillis, UCP
Bob Schaffer, MCP	Elizabeth Caraker, City of Monterey
Jim Arnold, FORA	Graham Bice, MBEST
Patrick Breen, MCWD	Steve Endsley, FORA
Scott Hilk, MCP	Diana Ingersoll, City of Seaside
Anya Spear, CSUMB	Doug Yount, City of Marina
Kathleen Lee, County of Monterey	Laura Cohan, FORA
Keith McCoy, UCP	Rob Robinson, BRAC
	Jonathan Garcia, FORA

2. **PLEDGE OF ALLEGIANCE** - Chair Dawson asked Scott Hilk, who agreed, to lead the Pledge of Allegiance.

3. **ACKNOWLEDGEMENTS, ANNOUNCEMENTS AND CORRESPONDENCE'** FORA Senior Planner Jonathan Garcia reported that AB 629 was passed and signed by Governor and will go into effect January 2012. Executive Officer Houlemard reported on the recent Monterey Peninsula Chamber of Commerce leadership luncheon, where many of the participants noted their support for the Veterans Cemetery.

4. **PUBLIC COMMENT PERIOD** – none

5. **APPROVAL OF MEETING MINUTES** – Upon a motion made by Ray Corpuz, and seconded by Graham Bice, the minutes of the September 21, 2011 were approved.

6. **OLD BUSINESS** – Mr. Garcia led a discussion regarding the history of the HCP (Habitat Conservation Plan) and the JPA (Joint Powers Authority) and reported on comments received to date on the HCP as the deadline to the Department of Fish and Game is October 31st. Mr. Houlemard assured the committee that staff would be available to provide a historical summary as continuing education for new FORA members and the public. Mr. Houlemard suggested a charrette format once the document is formalized (noting when the EIR/EIS comes out and how the HCP fits together with the Base Reuse Plan)

7. **NEW BUSINESS** – none

8. **FORA BOARD MEETING AGENDA REVIEW** – The committee reviewed the October 14, 2011 FORA Board Agenda and Mr. Houlemard reported that a request from the City of Marina had been made regarding the tax increment "ransom" further noting that the Executive Committee would look at the document this afternoon and the item may be added to the board agenda. Mr. Houlemard added that the Preston Park mediation would be discussed under old business yet may need to add a closed session item. Mr. Houlemard said that mediation is October 13th. Mr. Houlemard reported on outstanding receivables and the remaining informational items were discussed. Mr. Houlemard noted that there are 32 months to FOR A sunset.

9. **ITEMS FROM MEMBERS** - Members requested community education regarding what is available at Fort Ord. .

10. **ADJOURNMENT** – Chair Dawson adjourned the meeting at 9:05 a.m.

Meeting minutes prepared by Daylene Alliman, Deputy Clerk

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ADMINISTRATIVE COMMITTEE MEETING
Wednesday, October 19th, 2011
8:15 a.m. – Carpenters Union Hall
910 2nd Ave., Marina (on the former Fort Ord)

Minutes

1. **CALL TO ORDER** - Noting a quorum was present, Chair Dawson called the meeting to order at 8:16 a.m. The following people, as indicated by signatures on the roll sheet, were present:

   Nick Nichols, County of Monterey
   Pat Ward, Bestor Engineers, Inc.
   Diana Ingersoll, City of Seaside
   Crissy Maras, FORA
   Keith McCoy, UCP
   Ian Gillis, UCP
   Bob Schaffer, MCP
   Rob Robinson, BRAC
   Andy Sterbenz, Schaaf & Wheeler
   Jim Arnold, FORA
   Scott Hilk, MCP
   Elizabeth Caraker, City of Monterey
   Jonathan Garcia, FORA
   Vicki Nakamura, MPC
   Kelley Cadiente, MCWD
   Patrick Breen, MCWD
   Laura Cohan, FORA

2. **PLEDGE OF ALLEGIANCE** - Chair Dawson asked Carl Nizawa, from MCWD, to lead the Pledge of Allegiance.

3. **ACKNOWLEDGEMENTS, ANNOUNCEMENTS AND CORRESPONDENCE** – none

4. **PUBLIC COMMENT PERIOD** – none

5. **APPROVAL OF MEETING MINUTES** – Upon a motion made by Nick Nichols, and seconded by Diana Ingersoll, the minutes of the meeting on October 5th, 2011 were approved.

6. **OLD BUSINESS**
   a. Senior Planner, Jonathan Garcia gave an update on the California Central Coast Veterans Cemetery. AB 629 has been signed into law. FORA is contacting the California Department of Veterans Affairs to see how the law will be implemented, and also the Department of General Services to work on revising the cost estimate basis. An MOA is being drafted so that CVDA can contract directly with FORA. There will be a meeting next week with some engineers to check estimates.

   b. Mr. Garcia reported that the County has commented on the draft HCP (Habitat Conservation Plan) and the next step is to submit the draft HCP to wildlife agencies for their comments. Comments dealt mostly with ambiguities regarding funding sources.

7. **NEW BUSINESS** – none

8. **FOLLOW-UP TO OCTOBER 14, 2011 BOARD MEETING** – none

9. **ITEMS FROM MEMBERS**
   Keith McCoy of Urban Community Partners reported on the recent tour for the Horse Park and Monterey Downs, with Melissa Broadston from BRAC. Ian Gillis thanked Stan Cook for his efforts coordinating the tour.

10. **ADJOURNMENT** – Chair Dawson adjourned the meeting at 8:23 a.m.

Meeting minutes prepared by Daylene Alliman, Deputy Clerk

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FORT ORD REUSE AUTHORITY BOARD REPORT

EXECUTIVE OFFICER'S REPORT

Subject:	Finance Committee - report	
Meeting Date: **Agenda Number:**	November 18, 2011 8c	**INFORMATION/ACTION**

RECOMMENDATION(S):

i. Receive the October 28, 2011 Finance Committee (FC) meeting minutes (**Attachment A**).

ii. Approve modifications to the Fort Ord Reuse Authority Board Policy regarding outstanding receivables late fees (**Attachment B**).

BACKGROUND/DISCUSSION:

The FC met on October 28, 2011 to review and discuss the base salary study conducted by Bryce Consulting, proposed salary step increases, and other items related to revenue collection procedures - including the attached late fee policy modification.

The late fee policy recommendation follows a FORA Board direction from the September, 2011 FORA Board meeting. The FC reviewed the policy and recent actions by the FORA Board and unanimously voted to adopt these policy modifications. Adopting the late fee policy modifications should help to clarify Board policy and conform the policy to recent Board actions.

FC recommendations are included in the attached minutes.

FISCAL IMPACT:
Reviewed by FORA Controller

Staff time for this item is included in the approved FY 11-12 budget.

COORDINATION:

Finance Committee

Prepared by Marcela Fridrich
Marcela Fridrich

Approved by
Michael A. Houlemard, Jr.

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Finance Committee Meeting
Monday, October 28, 2011 at 2:00 pm
Action Minutes - DRAFT

Present:	Chair Sue McCloud, Members: Graham Bice, Hunter Harvath, Bill Kampe
Absent:	Ian Oglesby
Staff:	Michael Houlemard, Steve Endsley, Daylene Alliman, Marcela Fridrich
Guest:	Shellie Anderson, Bryce Consulting

AGENDA

The Finance Committee (FC) discussed the following agenda items:

1. Roll Call:
   A quorum was achieved at 2:00 PM.

2. May 23, 2011 Minutes:
   Approved (Motion Kampe; Second Bice, passed 4:0). Chair McCloud asked some clarifying questions: 1) Did Executive Committee receive the FC Memo outlining actions the FC took during the May 23, 2011 meeting? Executive Officer Michael Houlemard said yes. 2) If any merit increases were awarded after July 1, 2011. Mr. Houlemard responded, that as per the Board Motion, none would be awarded until the salary study is reviewed by FC. Chair McCloud verified/confirmed the next FC meeting was set for November 16, 2011.

3. FY 11-12 Budget – Staffing and Compensation:
   i. Salary survey overview
   FC requested at the May 23 meeting that a salary survey study be conducted prior to awarding merit increases to eligible employees. The Fort Ord Reuse Authority contracted with Bryce Consulting to conduct the study. FC members received a slightly revised survey at the meeting. The oral presentation was made by Shellie Anderson and supported by a power point presentation outlining study objectives, list of survey agencies, classifications, base salary results, conclusions and recommendations. She reported that FORA salaries are on average 17% below the labor market median base salary. Mr. Houlemard suggested salary range adjustments and title changes could then be included in the FY 11-12 mid-year budget recommendations. FC members were not comfortable recommending adjustments at this time and asked the consultant to include additional information from four Special Districts/Agencies to the report and present it to the FC at the November 16th meeting. Member Harvath asked the consultant to also indentify the minimum market median range in the revised report.

   ii. Proposed salary step increases
   FC acknowledged that the report supported the Executive Officer's authority to move ahead with step increases (upon performance review and eligibility) with effective date January 1, 2012 and within the limits of the approved FY 11-12 budget.

   iii. Reinstate 2007-2008 position
   FC supported the reinstatement of the 2007-2008 Quality Control Coordinator position, with new title and job description as recommended by Ms. Anderson. Approved (Motion Harvath, Second Bice, passed 4:0).

4. Revenue Collection:
   i. Outstanding receivables, policy impacts
   Michael Houlemard summarized the major outstanding items, depicting the Cities of Del Rey Oaks, Marina and Seaside. The discussion was how to approach $1M of receivables because the current policy may not be achieving/incentivizing repayment. This discussion carried over to the late fee policy item.

ii. Future Tax Increment payments – budget impacts, proposed solution
Marina representatives, although invited, did not attend the FC meeting. This item was postponed to the November 16th meeting.

iii. Late Fee policy modification
FC members received the modified late fee policy prepared by Ivana Bednarik prior to the meeting. FC members recommended to the FORA Board that the late payment fee policy be modified by adopting a late fee of 0.6 % interest per month and authorizing Authority to take collection actions if the receivable is not satisfied within 90 days. Any exception to this policy must be approved by the FORA Board and be limited to a payment plan. Approved (Motion Harvath, Second McCloud, passed 4:0).

5. Adjournment:
The meeting adjourned at 3:45 PM.

Minutes prepared by Marcela Fridrich, Accounting Officer.

FORT ORD REUSE AUTHORITY
LATE FEE POLICY

PURPOSE

The majority of revenue payments received by FORA come from member jurisdictions/agencies and developers. FORA's ability to conduct its business and finance its capital obligations depend upon timely collection of these payments.

GENERAL POLICY

FORA shall assess a late payment fee of 0.6% per month (corresponding to 7.2% per year) on any payment not received by the due date. The late fee payment shall be charged on the first day of delinquency on any unpaid balance and on the first day of each following month (compounded monthly), until full payment is collected by FORA. This late payment policy is to be highlighted on all invoices forwarded for payment and strictly enforced by a formal collection action by Authority Counsel if not satisfied within 90 days. Any exception to this policy must be approved by the FORA Board and be limited to a payment plan.

Payments overdue more than 90 days will be reported to FORA Board.

FORA reserves the right to hire an attorney, arbitrator, or collection agency as considered necessary by management and to enforce strict adherence to this policy.

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FORT ORD REUSE AUTHORITY BOARD REPORT

EXECUTIVE OFFICER'S REPORT

Subject:	Legislative Committee - report	
Meeting Date: **Agenda Number:**	November 18, 2011 8d	**INFORMATION**

RECOMMENDATION:

Receive a report from the Legislative Committee ("LC")

BACKGROUND:

The LC focuses primarily on state and federal legislation that impacts former Fort Ord redevelopment. The Fort Ord Reuse Authority's ("FORA's) state and federal staff representatives give reports at each committee meeting, particularly when legislatures are in session. FORA legislative missions occur annually in the spring. Each fall the LC focuses on crafting FORA's legislative agenda and work program for the coming year. This document offers legislative, regulatory, policy or resource allocation support actions to improve and/or enhance former Fort Ord redevelopment. The focus has been on federal and state legislation, property transfer and reuse, environmental remediation, habitat management, and infrastructure and mitigation funding. The items on the legislative agenda are considered priorities in achieving FORA's objectives.

DISCUSSION:

The LC met on October 3 and 31st, 2011 and the members reviewed the reports from the legislative offices and JEA & Associates, and the 2012 Legislative Agenda/Work Plan. Members also approved the 2012 Legislative Committee meeting dates. The approved minutes of the October 3, 2011 meeting, draft minutes of the October 31st meeting, and the 2012 meeting dates are attached.

FISCAL IMPACT:
Reviewed by FORA Controller

Staff time for this item is included in the approved FY 11-12 budget.

COORDINATION:

Legislative, Administrative and Executive Committees; FORA's state and federal elected legislators and their district representatives; and JEA & Associates

Prepared by _____ **Approved by** _____
Daylene Alliman Michael A. Houlemard, Jr.

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LEGISLATIVE COMMITTEE MEETING

Monday, October 3, 2011 - 1:00 p.m.
FORA Conference Room
920 2nd Street, Ste. A * Marina, CA

Minutes

1. CALL TO ORDER AND ROLL CALL

Chair Potter called the meeting to order at 1:00 p.m. The following members, and others, were present:

Members present:	Mayor Edelen, Mayor Pendergrass, Mayor Bachofner, Mayor-ProTem O'Connell, and Michael Houlemard, Executive Officer.
FORA Staff:	Daylene Alliman, Deputy Clerk; Steve Endsley, Assistant Executive Officer.
Others present:	Kathleen Lee, County of Monterey District 5; Nick Chiulos, County of Monterey; John Arriaga, JEA & Associates; Justin Wellner, CSUMB; Bob Schaffer; Noelle White, 27th State Assembly; Rochelle Dornatt (by phone).
Absent:	A representative from the 15th State Senate District.

2. PUBLIC COMMENT – none

3. APPROVAL OF THE JUNE 27, 2011 MEETING MINUTES - **Motion to approve made by Mayor Pro-Tem O'Connell seconded by Mayor Pendergrass and carried.**

4. REPORTS FROM THE LEGISLATIVE OFFICES

a. **17th U.S. Congressional District** – Rochelle Dornatt reported that there are still multiple issues with appropriations and agency funding is unclear. She also said that the cemetery is moving forward with the help of FORA and that the water issue regarding the clinic has also been finalized.

b. **15th State Senate District** – Hans Poschman - absent

c. **27th State Assembly** – Noelle White reported that there were no new updates. Executive Officer Houlemard commented that Assemblymember Monning attended the Sierra Club/FORA/Landwatch meeting and discussed the possible extension of FORA. Mr. Houlemard noted that the meeting was positive.

5. OLD BUSINESS

a. **Report from JEA & Associates** – John Arriaga reported that on October 9th the Governor will either sign or veto any bills and a final report will be available at the end of the year. He said that the cemetery and redevelopment bills are both important to FORA.

6. NEW BUSINESS

a. **FORA Transition/Extension – Review Schedule and Provide Direction to Staff** – Mr. Houlemard presented the extension schedule and reported that local and state meetings are anticipated. He also noted the Preliminary Draft of the 2012 Legislative Agenda (work plan) has been drafted. He said that a commitment by the board may be received by December to either start or create another organization or begin the dissolution process. Mr. Arriaga stated that the timing is critical because the LAFCO process takes 18 months. Assemblymember Monning is entertaining carrying out proposed legislation. **b. Report regarding Veteran's Cemetery** – (addressed as noted above). **c. Report on Veteran's Clinic** - (addressed as noted above).

7. ANNOUNCEMENTS/CORRESPONDENCE - none

8. ADJOURNMENT – There being no further business, Chair Potter adjourned the meeting at 1:55 p.m.

Minutes taken and prepared by Daylene Alliman, Deputy Clerk

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LEGISLATIVE COMMITTEE MEETING

Monday, October 31, 2011 - 1:00 p.m.
FORA Conference Room
920 2nd Street, Ste. A * Marina, CA

Minutes

1. **CALL TO ORDER AND ROLL CALL**

   Chair Potter called the meeting to order at 1:00 p.m. The following members, and others, were present:

   Members present: Mayor Edelen, Mayor Pendergrass, Mayor Bachofner, Mayor-ProTem O'Connell, and Michael Houlemard, Executive Officer.

   FORA Staff: Daylene Alliman, Deputy Clerk; Steve Endsley, Assistant Executive Officer.

   Others present: Hans Poschman, 15th State Senate District; Justin Wellner, CSUMB; Nicole Charles, 27th State Assembly; Alec Arago, 17th Congressional District; Nick Chiulos, County of Monterey (by phone); Doug Yount, City of Marina; Bob Schaffer.

   Absent: John Arriaga, JEA & Associates

2. **PUBLIC COMMENT** – none

3. **APPROVAL OF THE OCTOBER 3, 2011 MEETING MINUTES - Motion to approve made by Mayor Edelen seconded by Mayor ProTem O'Connell and carried.**

4. **REPORTS FROM THE LEGISLATIVE OFFICES**

   a. **17th U.S. Congressional District** – Alec Arago reported that Congressman Farr continues to pursue the Department of Interior regarding area design for BLM (Bureau of Land Management) lands. He said that redevelopment and reuse helps reassure Fish & Wildlife for BLM and HCP (Habitat Conservation Plan). Mr. Arago confirmed that there is good consensus between the environmental groups. He noted that there are ongoing BRAC issues and there is a potential for the Army to relocate their civil affairs school house from Fort Bragg to somewhere else and that Monterey is a contender for that location. He said it could bring 400 instructors, civilians and 1200 students per year among 100 others, and that tactical training would be conducted at Hunter Liggett. Fort Ord could be an option for a site for the intellectual training. Mr. Arago reported that the VA (Veterans Administration) clinic is moving forward in solidifying a location and that the focus right now is to keep the clinic in the proposal. He also noted that Congressman Farr is working with NPS (Naval Post Graduate School as there is an interest in developing a private sector building to house research, may partner with UCMBEST.

   b. **15th State Senate District** – Hans Poschman reported that the legislature is on break however the Senator is at the capital. Their office continues to wait on budget results and revenue is below estimates. He said that redevelopment in the courts and the first hearing will be held this week.

   c. **27th State Assembly** – Nicole Charles reported that the Assembly is in recess. Assemblymember Monning is currently in Sacramento working on extension of FORA and meeting with community members who have input. She said that the environmental stakeholder meetings here at FORA are working out very well, however further noting that stakeholders are concerned about what would happen if FORA was not extended.

5. **OLD BUSINESS**

   a. **Report from JEA & Associates** — Absent, no report.

   b. **FORA Extension Schedule update** – Mr. Houlemard, discussed the change on the legislative schedule to November/December timeframe as Assemblymember Monning wanted to move it from the initial October timeframe. He reported that community meetings are ongoing and a December meeting in Sacramento was possible.

c. **FORA 2012 draft Legislative Agenda/Work Program** – Mr. Houlemard reported on the Preliminary Draft noting the language change under item #8 acknowledging comments received that FORA's focus/work is the "reuse/replacement" not "redevelopment." Chair Potter asked Executive Officer Houlemard to go through each of the work program items for review with the members. Mr. Houlemard summarized the draft items. During the item-by-item review there were; 1) comments on changing terminology on the Veterans Cemetery item and 2) a reminder on Item d. that FORA's policy/history is not to compete for funds where other jurisdictions are competing for funds. Chair Potter asked for motion. **Mayor Bachofner moved to approve, with the adjustments, seconded by Mayor Edelen to recommend Board approval, motion carried.**

d. **Approve Meeting Dates for 2012** – Motion to adopt the 2012 meeting dates was made by Mayor Edelen, seconded by Mayor Bachofner and carried.

6. **NEW BUSINESS** – none

7. **ANNOUNCEMENTS/CORRESPONDENCE** – none

8. **ADJOURNMENT** – There being no further business, Chair Potter adjourned the meeting at 1:35 p.m.

Minutes taken and prepared by Daylene Alliman, Deputy Clerk

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LEGISLATIVE COMMITTEE

FORA Extension Schedule

September 16, 2011 – Board Briefing on Transition Issues/Legislative Options

October/November 2011 – Meetings in Sacramento with Assembly Committee on Local Government and Senate Committee on Governance & Finance

November 2011 – Legislation written and reviewed

December 2011 - Legislation presented for review to State Legislators

January 2012 – Reviewed by Legislative Council

January 2012 – Legislative Agenda introduced

Spring 2012 – Assembly/Senate consideration

Summer 2012 – Assembly/Senate adoption

September 2012 – Gubernatorial signing

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FORT ORD REUSE AUTHORITY BOARD REPORT

EXECUTIVE OFFICER'S REPORT

Subject:	Habitat Conservation Plan – status report	
Meeting Date: **Agenda Number:**	November 18, 2011 8e	**INFORMATION**

RECOMMENDATION(S):

Receive a status report regarding the Habitat Conservation Plan ("HCP") and State of California 2081 Incidental Take Permit ("2081 permit") preparation process.

BACKGROUND/DISCUSSION:

The Fort Ord Reuse Authority ("FORA"), with the support of its member jurisdictions and consultant team, is on a path to receive approval of a completed basewide HCP and 2081 permit in 2013, concluding with the US Fish and Wildlife Service ("USFWS") and California Department of Fish and Game ("CDFG") issuing federal and state permits.

ICF International (formerly Jones & Stokes), FORA's HCP consultant, completed an administrative draft HCP on December 4, 2009. FORA member jurisdictions completed a comment and review period, which ended February 26, 2010. In April 2011, USFWS finished their comments on all draft HCP sections, while CDFG provided limited feedback. These comments by the regulatory agencies required a substantial reorganization of the document. To address this, ICF International completed a 3rd Administrative Draft HCP for review (dated September 1, 2011). The 12 Permittees (County, Cities of Marina, Seaside, Del Rey Oaks, and Monterey, Monterey Peninsula Regional Park District, Marina Coast Water District, State Parks, Monterey Peninsula College, California State University Monterey Bay, University California Monterey Bay Education, Science, and Technology Center, and FORA) and Cooperating Entity (Bureau of Land Management) were given until Friday, September 30, 2011 to submit their comments on the draft HCP to remain on schedule to submit a final draft to USFWS/CDFG by October 31, 2011. This review includes the draft HCP Implementing Agreement and Ordinance/Policy, which are appendices to the draft HCP and are being prepared separately by FORA. Some Permittees submitted comments on time, however, a few Permittees did not. ICF International is currently collating all received comments into a draft that can be submitted to USFWS/CDFG. It is estimated that it will take the wildlife agencies 90 days to complete their internal review followed by 60 days for ICF International to prepare a Screen Check draft that will undergo a 30-day review for legal compliance by the wildlife agencies' solicitors/legal departments. ICF International would then respond to any comments/issues raised in 30 days. FORA staff estimate a Public Draft document to be available for public review by July/August 2012.

At the September 7, 2011 FORA Administrative Committee meeting, Jamie Gomes, Principal, from EPS presented information related to Economic and Planning Systems' ("EPS") review of HCP costs and endowment investment strategy. EPS provided an HCP endowment investment strategy that will be incorporated into the draft HCP. Final approval of the endowment strategy rests with CDFG/USFWS.

FISCAL IMPACT:
Reviewed by FORA Controller

ICF International and Denise Duffy and Associates' (FORA's NEPA/CEQA consultant) contracts have been funded through FORA's annual budgets to accomplish HCP preparation.

COORDINATION:

Executive Committee, Administrative Committee, Legislative Committee, HCP working group, FORA Jurisdictions, USFWS and CDFG personnel, ICF International, Denise Duffy and Associates, and various development teams.

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