



# FORT ORD REUSE AUTHORITY

## BOARD OF DIRECTORS REGULAR MEETING MINUTES

Friday, November 13, 2015 at 2:00 p.m.

910 2<sup>nd</sup> Avenue, Marina, CA 93933 (Carpenters Union Hall)

### 1. CALL TO ORDER

Chair O'Connell called the meeting to order at 2:00 p.m.

### 2. PLEDGE OF ALLEGIANCE

Rochelle Dornatt led the pledge of allegiance. Chair O'Connell wished everyone a nice Thanksgiving.

### 3. CLOSED SESSION

Chair O'Connell introduced the closed items and added Item 8c (Prevailing wage) would be continued to December meeting due to numerous questions and concerns brought forth by Authority Counsel. He added that if public wishes to speak they may do so, but not until the item appears.

- a. Conference with Legal Counsel-Potential Litigation, Gov. Code Section 54956.9(e)(2): FORA-Marina Coast Water District Dispute Resolution
- b. Conference with Legal Counsel-Potential Litigation, Gov. Code Section 54956.9(e)(2): FORA Prevailing Wage Issues/Exposure

The Board adjourned into closed session at 2:02 p.m.

No public comment was received.

### 4. ANNOUNCEMENT OF ACTION TAKEN IN CLOSED SESSION

The Board reconvened into open session at 2:23 p.m.

Authority Counsel, Jon Giffen, announced there was no reportable action taken by Board.

No public comment was received.

### 5. ROLL CALL

Mayor Edelen (City of Del Rey Oaks)

Mayor Rubio (City of Seaside)

Mayor Pendergrass (City of Sand City)

Mayor Gunter (City of Salinas)

Mayor Pro-Tem Oglesby (City of Seaside)

Supervisor Phillips (County of Monterey)

Supervisor Potter (County of Monterey)

Supervisor Parker (County of Monterey)

Council member Beach (City of Carmel)

Council member Haffa (City of Monterey)

Council member Lucius (City of Pacific Grove) AR

Council member Morton (City of Marina)

Council member O'Connell (City of Marina)

**Ex-officio (Non-Voting) Board Members Present:** Congressman Sam Farr (AR), Dr. Eduardo Ochoa (CSUMB) AR, Col Fellingner \*(U.S. Army), Director Peter Le, (MCWD) AR, Walter Tribbley (MPC), Erica Parker (29th Assembly District), Lisa Rheinheimer\* (MST).

**Absent:** Nicole Charles (CA Senator Monning); Vicki Nakamura (Monterey Peninsula College), Debbie Hale (TAMC), Donna Blitzer (UCSC), Andre Lewis, (CSUMB) AR, Bill Collins (Fort Ord BRAC Office), Erica Parker (CA Assembly member Stone), and PK Diffenbaugh (MPUSD).

**6. ACKNOWLEDGEMENTS, ANNOUNCEMENTS, AND CORRESPONDENCE**

Mr. Houlemard acknowledged Chief of Staff, Rochelle Dornatt, from Congressman Farr's office and introduced new staff member, Peter Said, Project Specialist to the Board.

**7. CONSENT AGENDA**

Chair O'Connell stated Item 7d was pulled from Consent agenda and that Items 7a and 7c. A member of public requested 7b be pulled.

- a. Approve October 9, 2015 Minutes
- c. Ad-Hoc Committee Policy Regarding Authority Counsel Requests

MOTION: Mayor Rubio moved, seconded by Mayor Edelen, to approve the October 9, 2015 minutes, as presented with a minor correction and Item 7c as presented.

MOTION PASSED UNANIMOUSLY

b. Base Reuse Plan Reassessment Report: Category III Status

Mr. Houlemard provided a brief summary of staff report. Jonathan Brinkmann introduced the item and answered board member questions. He referenced that moving forward with Regional Design Guidelines is a main component of FORA's Category III workplan.

The Board received questions from public. Jonathan Brinkmann responded to a question about affordable housing and stated Category III and the Master Resolution a 20% of housing must be affordable and 10% workforce and median income requirements.

MOTION: Mayor Rubio moved, seconded by Council member Oglesby, to approve Item 7b.

MOTION PASSED UNANIMOUSLY

d. Oak Woodland Conservation Planning

Chair O'Connell said this item was pulled due to inquiries received by Board and that Executive Officer recommended that it be presented for discussion.

Mr. Houlemard introduced this item and Ted Lopez, Assistant Planner. Mr. Lopez provided a historic background and said it's based on Base Reuse Plan policy and that a working group was formed to look at process of conservation area, management and mitigation plan. The component looks at Monterey County and Seaside only. A working group was represented by staff members from Monterey County, Seaside, Marina CSUMB, MPC, UCMBEST and other agencies who were invited to participate such as Chartwell School. Two meetings were held on September and October of 2014. An RFP is being prepared which will be brought back to Board for public review/approval.

The Board received comments from Board members ranging from coordination of a Plan, concerns over stopping the process of an RFP, public be given ability to participate, that perhaps only a Scope of Work portion is what Board needs to review/approve, and that FORA may not have authority to include Marina.

The Board received public comments.

MOTION: Mayor Edelen moved, seconded by Council member Lucius to accept presentation since it was pulled from Consent Agenda.

A substitute motion was made by Mayor Gunter, seconded by Councilmember Morton to NOT accept this report until more information can be provided as an information/action at next meeting.

ROLL CALL WAS TAKEN:

AYES	Beach, O’Connell, Haffa, Gunter, Lucius, Morton, Parker
NOES	Edelen, Oglesby, Pendergrass, Phillips, Potter, Rubio
ABSTENTIONS	None
ABSENT	None

7-6-0-0-Substitute motion passes; item returns to Board at next meeting or January as an information/action item.

**8. BUSINESS ITEMS**

- a. Regional Urban Design Guidelines
  - i. Provide direction regarding approval of Draft Regional Urban Design Guidelines
  - ii. Amend Dover, Kohl and Partners Contract

Josh Metz made a presentation to Board; mentioned charrettes and other components to the presentation of RUDG; and workshop open house brought about 100 participants. The board received comments from Board members and the public.

Chair O’Connell acknowledged arrival of Congressman Sam Farr at 3:23 p.m. Congressman Farr spoke of the need to finalize the Scenic Corridor on Highway 1 and asked for a status update. Mr. Houlemard said all entities were brought in from 2005-07 and limitations came up, that some Cities “opted out” and that the Regional Design Guidelines do not include the Scenic Corridor. He added the Board at that time elected to not do much; however, staff could bring those parties together and get an agreement to get scenic corridor.

MOTION: Supervisor Parker moved, seconded by Mayor Pro-tem Beach, to approve the Draft RUDG report and to approve the amendment to Dover et al contract.

MOTION PASSED UNANIMOUSLY

- b. Marina Coast Water District/FORA Facilities Agreement Dispute Resolution – 2nd Vote
 

Steve Endsley made a presentation the Board and requested a second vote on this matter. Jon Giffen reminded Board that this item is up for second vote and if other options want to be considered, Board should ask them now.

The Board received comments from members of the board regarding specific items needed in the agreement being requested, perhaps an MOU, so everyone, including MCWD can understand the terms. Authority Counsel responded that a document could be prepared to satisfy Board’s request.

MOTION: Supervisor Phillips moved, seconded by Supervisor Potter, to bring this matter back with a Memorandum of Understanding between FORA and Marina Coast Water District.

MOTION PASSED UNANIMOUSLY

The Board received public comment.

- c. Fort Ord Reuse Authority Prevailing Wage Program

Chair O'Connell stated this item was pulled off agenda and will be continued to next meeting. However, Board elected to receive public comments on this item.

**Matthew Miller** a Labor compliance investigator said violations regarding certified payrolls on framing work show that correct wages were not paid. These workers come from long distances and they were denied lunch and rest periods on a regular basis and that no information was provided to workers and they need to still be compensated.

**Oscar Mendoza** stated he worked for Erickson Framing Construction on the East Garrison project. He said he was required to pay for his health insurance. Yet, when he saw the doctor he was told he had no insurance. Mr. Mendoza was paid \$6/hr yet, he paid more than \$4,000 for this insurance which he was never able to use. He said he received no information about his rights and pay from labor compliance.

**Rosendo Friday**. Worked for CVC at East Garrison and said he arrived at 4:30 a.m. worked 8 hrs no lunch no rest; no reimbursement for round trip (6 hrs total) to Fresno and back. Food had to be purchased along the way and he never got reimbursed. He added that it would have been nice to be paid in order for him to hire a person to care for his disabled son.

**Ivan Hernandez** said he works for CBC and has same problem. He was told if he wanted to work, he need to drive his vehicle for around 6 hrs that he never got compensated for. His wife had to leave her employment because he was not available to get kids to school. He thanked investigators for their work.

**Jose Alcantar** introduced himself with same issues as he worked on same company. He wakes up at 3 a.m. to get ready and arrive at 4:00 to be picked up and be brought to work; there are no rest periods and the pay received was \$13.68/hr. He is not compensated for his total travel time of 6 hrs, that there is wear and tear on vehicle; the cost of gas; and that this is the equivalent of another part time job and he could be spent with his family. He added that no compliance person was ever present at the site, that companies abuse employees and "if employees need work, they have to take the abuse in order to get the job."

**Maurice Belarde** said contractors (plumbers) cheat on projects on Ft Ord. People are sleeping on parked vehicles while the projects are built illegally, and not up to code. Project workers agreements he requests they be looked into.

Board received additional comments from other members of the public.

d. Monterey Bay Charter School Traffic Impact Agreement

Mr. Houlemard introduced this item and Jonathan Brinkmann delivered the report to Board. The Board received comments from Board members regarding transportation impacts, type of written agreements. Jonathan responded that they have not done an EIR and he did not know when it will be completed, that a portion of the fee goes towards roads and capital improvements just like the Dunes did. The fee goes into Capital Improvement Program revenues then eventually to FORA. Erin Harway, from Denise Duffy Associates, said her firm was contracted by Monterey Bay Charter School to provide entitlements and CEQA items and that Traffic report is ready, that the School has a carpool program (60% of students) and a bus stop located near campus.

MOTION: Supervisor Potter moved, seconded by Mayor Rubio, to approve this item as presented.  
MOTION PASSED UNANIMOUSLY

There was no public comment.

9. **PUBLIC COMMENT PERIOD**

The Board received public comment.

**10. EXECUTIVE OFFICER'S REPORT**

Mr. Houlemard stated that all items 10a through 10h listed on the Executive Officer's Report are for information only.

- a Outstanding Receivables
- b Habitat Conservation Plan Update
- c Administrative Committee
- d Post Reassessment Advisory Committee
- e Veterans Issues Advisory Committee
- f Water/Wastewater Oversight Committee
- g Travel Report
- h Public Correspondence to the Board

**11. ITEMS FROM MEMBERS**

None.

**12. ADJOURNMENT**

The meeting was adjourned at 4:44 p.m.