

**ACTION MINUTES  
OF THE  
FORT ORD REUSE AUTHORITY  
BOARD OF DIRECTORS' MEETING  
February 9, 2007**

**1. CALL TO ORDER AND ROLL CALL FOR VOTING MEMBERS**

Chair Joe Russell called the meeting to order at 3:30 pm. The following voting members were present:

Chair/Mayor Russell (City of Del Rey Oaks)	Mayor McCloud (City of Carmel-by-the-Sea)
Mayor Mettee-McCutchon (City of Marina)	Councilmember Wilmot (City of Marina)
Mayor Della Sala (City of Monterey)	Supervisor Calcagno (County of Monterey)
Councilmember Davis (City of Pacific Grove)	Mayor Pendergrass (City of Sand City)
Councilmember Mancini (City of Seaside)	

Mayor Rubio (City of Seaside) arrived during the ensuing Closed Session. Absent were Supervisor Smith (County of Monterey), Supervisor Potter (County of Monterey), and Councilmember Barnes (City of Salinas).

Chair Russell immediately adjourned the meeting to Closed Session.

**2. CLOSED SESSION**

There was one item in the Closed Session: a conference with legal counsel regarding existing litigation (City of Marina, FORA v. Trustees of CSU).

**3. CALL TO ORDER AND ROLL CALL FOR ALL MEMBERS  
(REPORT OUT OF CLOSED SESSION)**

Chair Russell reconvened the meeting at 4:00 pm and asked for roll call. All ten members present during the Closed Session were present at this time. Absent were Supervisor Smith (Monterey County), Supervisor Potter (Monterey County), and Councilmember Barnes (City of Salinas). Ex-Officio members present were:

Steve Reed (CSUMB)	Dr. Douglas Garrison (Monterey Peninsula College)
Dr. Marilyn Shepherd (MPUSD)	Hunter Harvath (Monterey-Salinas Transit)
Don Bachman (TAMC)	Bruce Margon (UC MBEST)
Karen Fisbeck (BRAC)	Kenneth K. Nishi (Marina Coast Water District)

Absent were representatives from the 17<sup>th</sup> Congressional District, the 15<sup>th</sup> State Senate District, and the 27<sup>th</sup> Assembly District. COL Pamela Martis (U.S. Army) arrived about 4:10 pm.

**REPORT OUT OF CLOSED SESSION**

Authority Counsel Phil Passafuime reported that the Board members had heard a report from counsel regarding the existing lawsuit and had given direction on the matter.

#### 4. PLEDGE OF ALLEGIANCE

Chair Russell asked all to join him reciting the Pledge of Allegiance.

#### 5. ACKNOWLEDGEMENTS

Chair Russell acknowledged and welcomed Dr. Marilyn Shepherd, Monterey Peninsula Unified School District's new Superintendent.

#### 6. PUBLIC COMMENT PERIOD

There were no public comments.

#### 7. CONSENT AGENDA

There was one item on the Consent Agenda: Item 7a (Action Minutes of the January 12, 2007 Board Meeting). **Motion to approve Item 7a was made by Councilmember Mancini and seconded by Supervisor Calcagno.** There were no board or public comments. **The motion carried.**

#### 8. OLD BUSINESS

Item 8a – Amendment to Master Resolution Regarding Prevailing Wage Policy: Executive Officer Houlemard summarized the board report and attachments. Mayor Rubio asked if a period for public comment would be allowed for this item. Discussion followed. Mayor McCloud asked why no new information was provided as outlined in the board report. Executive Officer Houlemard responded that the Executive Committee has recommended holding a special board meeting to discuss this item later in February. **A motion to continue the item to the special board meeting was made by Mayor McCloud and seconded by Supervisor Calcagno.** After a brief discussion, a call for the vote was made. There were eight yes votes and two no votes (Mayor Rubio and Councilmember Davis). Authority Counsel Passafuime stated that this motion was a procedural matter where the majority rules. **The motion carried.**

Item 8b – Cypress Knolls Project: Entitlement Consistency: (i) Notice of Appeal: Open Hearing and Consider Appeal; (ii) Consider Concurrence with the City of Marina's Entitlement Consistency Determination: Executive Officer Houlemard summarized the board report and attachments, including an excerpt from Chapter 8 of the FORA Master Resolution describing FORA's fee policy for appealing Development Entitlements. Executive Officer Houlemard and Authority Counsel Passafuime indicated that a request for an appeal had been made but no fee was paid and outlined three options for the board. Discussion followed. Councilmember Davis expressed concern that the public should not be precluded from an appeal due to a costly filing fee. Executive Officer Houlemard responded that the section of the FORA Master Resolution that required a fee to be paid with an appeal was a result of the Sierra Club litigation and that the fee itself is the same amount used by the Monterey County Board of Supervisors for similar appeals made to their board and therefore not extraordinary or costly. Mayor McCloud and Chair Russell asked Authority Counsel to elaborate on the special circumstances that might be used to hear the appeal under option three. Authority Counsel Passafuime responded that Save Our Peninsula was advised of the fee to be paid several weeks ago through a letter from the Deputy Clerk to the board, and noted the fee is clearly stated in the FORA Master Resolution.

Public comments followed: (1) Richard Rosenthal stated that the fee for filing an appeal was unreasonable according to State Code. (2) Robert Wellington recommended that the board hear the appeal under “special circumstances.” Mayor Rubio advised against waiving the fee for the appeal and cautioned that doing so could set a precedent. **A motion not to hear the appeal unless the fee is paid was made by Mayor Mettee-McCutchon and seconded by Mayor Rubio. This motion carried.** FORA Director of Planning and Finance Steve Endsley gave the staff’s presentation. Public comments followed: (1) Richard Rosenthal stated that the project traffic impacts to Highway One are unmitigated. (2) Kathy Jensen (CEQA Counsel for the City of Marina) stated that mitigating project impacts to Highway One is a non-issue because it’s a Caltrans process and completing the Project Study Report is the first step in the process. **A motion to concur with the City of Marina’s Entitlement Consistency Determination and approve Resolution 07-6 was made by Chair Russell and seconded by Mayor Mettee-McCutchon. This motion carried.**

Item 8c – Early Transfer/Environmental Services Cooperative Agreement: Executive Officer Houlemard summarized the board report. FORA has already finalized the Early Transfer/Environmental Services Cooperative Agreement (“ET/ESCA”) with the US Army. However, FORA has not received funding from the US Army to perform its work under the agreement. Executive Officer Houlemard was optimistic that FORA would receive at least a portion of these funds in the next few months to begin the cleanup on the ET/ESCA property. This report was provided to the board for informational purposes only.

Item 8d – Imjin Office Park Project: (i) Update on Project; (ii) Authorization to Enter into a Sales Agreement with Carpenters Union Local 605; (iii) Authorization for the Executive Officer to Enter into the Imjin Office Partner’s Final Site Design/Engineering Contract with the Paul Davis Partnership; (iv) Authorization to Approve and Post Bond Required by the City Marina; (v) Amendment to Agreement Between FORA and Association of Monterey Bay Area Governments (AMBAG) Regarding AMBAG’s Purchase of Land; (vi) Approval of Additions to Imjin Office Park Budget, Including \$5,000 to Hire LEED Consultant: FORA’s Real Property and Facilities Manager summarized the board report and attachments. Executive Officer Houlemard pointed out that Mayor Rubio would not participate in the vote on Item (ii) due to a conflict in interest. **A motion to approve recommendation (ii) was made by Chair Russell and seconded by Mayor Della Sala. This motion carried. A motion to approve recommendations (iii), (iv), (v), and (vi) was made by Mayor McCloud and seconded by Mayor Rubio. This motion carried.** Mayor McCloud added, as the maker of the motion, that she was glad that a LEED person would be involved.

Item 8e – Pollution Legal Liability Insurance: Self-Insured Retention (SIR) Agreement: Executive Officer Houlemard summarized the board report and attached agreement. **A motion to approve the SIR agreement was made by Councilmember Mancini and seconded by Mayor Mettee-McCutchon.** Board discussion followed. President Dr. Douglas Garrison requested that the Executive Officer comment on section I.C. of the SIR agreement addressing a theoretical situation where two-thirds majority vote could not be agreed to by the parties in order to resolve allocation of the SIR. Executive Officer Houlemard responded that, if two-thirds majority could not be obtained, the court system or an agreed upon arbitration could handle the dispute. Hunter Harvath (MST) requested that FORA staff email the approved version of the SIR agreement after the meeting to the parties to the agreement. A call for the vote was made. **This motion carried.**

## 9. NEW BUSINESS

Item 9a – FORA Budget Update – Status Report: Executive Officer Houlemard summarized this board report. The mid-year budget update is typically provided to the board during its February meeting. However, additional time is needed for the Finance Committee to review budget adjustments. Staff will prepare the FY 06-07 mid-year update for the March 9, 2007 board meeting. This report was provided to the board for informational purposes only.

Item 9b – Authorization to Advertise and Hire a Project Manager Under the Capital Improvement Program: Assistant Executive Officer Jim Feeney summarized the board report. **A motion to authorize advertisement and hiring of a Project Manager under the Capital Improvement Program was made by Mayor Della Sala and seconded by Mayor Mettee-McCutchon.** There were no board or public comments. **The motion passed.**

Item 9c – CONSISTENCY DETERMINATION: Amendments to the Marina Zoning Ordinance: Director of Planning and Finance Steve Endsley gave a brief PowerPoint presentation. Mayor McCloud asked about the impact of changing the language in the zoning code from “secondary dwelling units” to “secondary dwellings.” Mr. Endsley responded that the language change creates a toolbox for the City of Marina to use in order to promote affordable housing and that the language change would not modify the City of Marina’s responsibilities under section “t” of Chapter of the FORA Master Resolution, which obligates jurisdictions to provide evidence that statutorily and jurisdictionally required affordable units will be produced within their housing projects on the former Fort Ord. **A motion to approve Resolution 07-3, concurring with the City of Marina determination and making findings that the amendments to the Zoning Ordinance are consistent with the Fort Ord Base Reuse Plan was made by Councilmember Mancini and seconded by Mayor Della Sala. This motion carried.**

Item 9d – FORA Basewide Development Fee Policy: **A motion to adopt Resolution 07-5 amending the FORA Basewide Development Fee Policy to create parity between this fee and the FORA Community Facilities District fee was made by Mayor Rubio and seconded by Mayor McCloud.** There were no board or public comments. **This motion carried.**

Item 9e – Further Amendments to the Master Resolution: (i) 2.02.010(a): Start Time of Board Meetings; (ii) 2.03.051: Duties of the Finance Committee: **A motion to amend the sections 2.02.010(a) and 2.03.051 of the FORA Master Resolution was made by Mayor McCloud and seconded by Councilmember Mancini.** There were no board or public comments. **The motion passed.**

Item 9f – Confirmation of 2007 FORA Committee Appointments: **A motion to confirm the 2007 appointments to the Finance Advisory Committee and the Legislative Advisory Committee as recommended by Chair Russell was made by Mayor Della Sala and seconded by Mayor Rubio.** There were no board or public comments. **The motion passed.**

## 10. EXECUTIVE OFFICER’S REPORT

There were five items in the Executive Officer’s Report: Item 10a (Administrative Committee Report), Item 10b (FORA Quarterly Report Dated 12/31/06 (2<sup>nd</sup> Quarter of FY ’06-07)), Item 10c (Preston Park Financial Reports), Item 10d (Executive Officer’s Travel Report), and Item 10e (FORA Investments – Quarterly Status Report). These reports are approved by the Executive Committee and provided to the board as informational.

**11. ANNOUNCEMENTS AND CORRESPONDENCE**

Executive Officer Houlemard reflected on the life of Jack Barlich (former Mayor of Del Rey Oaks and Chair of the FORA Board), asking to adjourn the meeting in his memory and honor.

**12. ADJOURNMENT**

Chair Russell adjourned the meeting at 5:48 pm.

Minutes prepared by Jonathan Garcia, Associate Planner

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