



# FORT ORD REUSE AUTHORITY

## BOARD OF DIRECTORS REGULAR MEETING MINUTES

2:00 p.m. - Friday, September 13, 2013

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

### 1. CALL TO ORDER AND ROLL CALL

Chair Edelen called the meeting to order at 2:00 p.m.

### 2. CLOSED SESSION - The Board adjourned into closed session at 2:01 p.m.

#### a. Conference with Legal Counsel - Existing Litigation, Gov Code 54956.9(a) – 7 Cases

i. Keep Fort Ord Wild v. Fort Ord Reuse Authority (FORA), Case Numbers: M114961, M116438, M119217

ii. Bogan v. Houlemard, Case Number: M122980

iii. The City of Seaside v. Valenzuela, Case Number: M124499

iv. The Fort Ord Access Alliance v. Houlemard, Case Number: M124709

v. The City of Marina v. Fort Ord Reuse Authority, Case Number: M118566

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

The Board reconvened into open session at 2:46 p.m. and Authority Counsel Jon Giffen announced that no reportable action had been taken.

### 4. PLEDGE OF ALLEGIANCE

Supervisor Salinas led the Pledge of Allegiance.

### 5. ROLL CALL

A roll call was conducted by the Deputy Clerk and a quorum was confirmed.

#### Voting Members Present: (*\*alternates*)(AR: entered after roll call)

Chair/Mayor Edelen (City of Del Rey Oaks)

Councilmember Beach (City of Carmel-by-the-Sea)

Mayor Kampe (City of Pacific Grove)

Mayor Gunter (City of Salinas)

Councilmember Morton (City of Marina)

Mayor ProTem O'Connell (City of Marina)

Mayor Pro-Tem Oglesby (City of Seaside)

Mayor Pendergrass (City of Sand City)

Nick Chiulos\* (County of Monterey)

Mayor Rubio (City of Seaside)

Supervisor Salinas (County of Monterey)

Voting Members Absent: Supervisor Parker (County of Monterey), Councilmember Selfridge (City of Monterey)

Ex-officio (Non-Voting) Board Members Present: Alec Arago\* (20<sup>th</sup> Congressional District), Nicole Charles\* (17<sup>th</sup> State Senate District), Erica Parker\* (29<sup>th</sup> State Assembly District), Graham Bice\* (University of California), Eduardo Ochoa (California State University), Walter Tribley (Monterey Peninsula College), Dan Albert, Jr.\* (Monterey Peninsula Unified School District), Hunter Harvath\* (Monterey-Salinas Transit), Debbie Hale (Transportation Agency of Monterey County), Colonel Fellingner (U.S. Army), Bill Collins (Fort Ord BRAC Office), and Director Moore (Marina Coast Water District).

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

Nicole Charles stated that the legislative session had ended the previous night, during which Senator Monning's Senate Bill 232 passed out of the Senate. She discussed the legislation, noting that it would now go to the Governor's desk for signature.

### **a. California State University, Monterey Bay (CSUMB)/FORA Co-hosted Base Reuse Implementation Colloquia**

Dr. Ochoa announced that CSUMB planned to host a two-day colloquia on base reuse issues in December. Though the dates were still tentative, the event would be open to the public and CSUMB hoped to receive broad participation from local agencies and other parties impacted by the reuse of Fort Ord. Councilmember Beach spoke to the Colloquia planning process and stated she was pleased with the outcome.

Bill Collins announced the Army's bi-annual Fort Ord tour would occur on Sept 21, 2013. The event was open to the public and technical experts from the Army's clean-up program would be on hand to provide information and answer questions.

### **a. 2013 FORA Annual Report**

Executive Officer Houlemard discussed the FY 2012-13 FORA Annual Report, noting its availability on the FORA website.

## **7. CONSENT AGENDA**

Mayor Pro-Tem O'Connell requested agenda item 7b be pulled from the consent agenda for discussion. Chair Edelen stated that each item would be considered individually.

### **a. Approval of the August 9, 2013 Board Meeting Minutes**

MOTION: Councilmember Morton moved, seconded by Mayor Kampe, to approve the August 9, 2013 Board Meeting Minutes, amending "City of Seaside" on page 2, item 7a, to "City of Marina."

MOTION PASSED: unanimous

### **b. Contract for Legal Services - Jerry Bowden**

Mayor Pro-Tem O'Connell stated his opposition to the item.

MOTION: Mayor Rubio moved, seconded by Mayor Pro-Tem Oglesby, to authorize the Executive Officer to execute an "on-call" contract for legal services with Jerry Bowden through FY 2013-14, not to exceed \$50,000.

MOTION PASSED (2<sup>nd</sup> vote required): Ayes: Beach, Chiulos, Edelen, Gunter, Kampe, Oglesby, Pendergrass, Rubio, Salinas. Noes: Morton, O'Connell.

## **8. BOARD REQUESTED REPORTS**

Mr. Houlemard provided background regarding the Board's requests for several reports.

### **a. Legal Authority for Consistency Determinations**

Senior Planner Jonathan Garcia provided an overview of Alan Walter's previous work for the FORA and Mr. Waltner discussed his legal memorandum regarding FORA's legal authority to make consistency determinations.

MOTION: Mayor Rubio moved, seconded by Mayor Pro-Tem O'Connell to receive the report.

MOTION PASSED: unanimous.

### **b. FORA/Jurisdiction Land Use Authority**

Authority Counsel Jon Giffen provided information regarding FORA's land use authority.

MOTION: Mayor Rubio moved, seconded by Mayor Gunter to receive the report.

MOTION PASSED: unanimous.

**c. Prevailing Wage Requirements and Enforcement on Fort Ord**

Mr. Houlemard provided an overview of prevailing wage on Fort Ord.

MOTION: Mayor Rubio moved, seconded by Mayor Pro-Tem Oglesby to receive the report.

MOTION PASSED: unanimous.

**9. NEW BUSINESS**

**a. Adopt Resolution 13-XX Authorizing Application and Acceptance of a Building Removal Business Plan Grant**

Project Manager Stan Cook provided an explanation of the proposed grant and discussed Fort Ord building removal needs.

MOTION: Dr. Ochoa moved, seconded by Mayor Rubio, to Adopt Resolution 13-XX, 1) authorizing application to the United States Department of Defense Office of Economic Adjustment (OEA)/United States Department of Commerce Economic Development Administration (EDA) for a joint Fort Ord Reuse Authority (FORA)/ California State University Monterey Bay (CSUMB) Building Removal Business Plan grant, and 2) authorizing the Executive Officer to accept any subsequent grant offer (anticipated to be up to \$250,000).

MOTION PASSED: unanimous.

**10. OLD BUSINESS**

**a. FY 2013/14 Capital Improvement Program (2<sup>nd</sup> Vote)**

ORIGINAL MOTION: Supervisor Potter moved, seconded by Mayor Rubio, to adopt the FY 2013/14 CIP, as presented.

2<sup>ND</sup> VOTE PASSED: Ayes: Beach, Chiulos, Edelen, Gunter, Kampe, Oglesby, Pendergrass, Rubio, Salinas. Noes: Morton, O'Connell.

**b. ICF International Contract Amendment #6**

Mr. Garcia presented the item and responded to comments from members of the Board and public.

MOTION: Supervisor Salinas moved, seconded by Mayor Gunter to authorize the Executive Officer to execute ICF International contract amendment #6, not to exceed \$98,500 in additional budget authority.

MOTION PASSED: unanimous.

**11. PUBLIC COMMENT PERIOD**

The Board received comments from members of the public.

## **12. EXECUTIVE OFFICER'S REPORT**

Mr. Houlemard stated that all but item 12e were informational reports.

- a. Outstanding Receivables**
- b. Habitat Conservation Plan Update**
- c. Administrative Committee**
- d. Water/Wastewater Oversight Committee**
- e. Post Reassessment Advisory Committee**

Mr. Garcia summarized recent Post Reassessment Advisory Committee discussions and reviewed plans for the upcoming Colloquia.

MOTION: Mayor Rubio moved, seconded by Councilmember Morton to approve the Fort Ord Reuse Implementation Colloquia Budget, as presented.

MOTION PASSED: unanimous.

- f. Veterans Issues Advisory Committee**
- g. Travel Report**
- h. Public Correspondence to the Board**

## **11. ITEMS FROM MEMBERS**

Director Moore and Mayor Rubio addressed inaccuracies in a recent Monterey Weekly article.

Mayor Pro-Tem Oglesby inquired as to the current gambling regulations on the former Fort Ord and the implications of the Fort Ord initiatives.

## **12. ADJOURNMENT**

Chair Edelen adjourned the meeting at 5:04 p.m.