

**ACTION MINUTES  
OF THE  
FORT ORD REUSE AUTHORITY  
BOARD OF DIRECTORS' MEETING  
January 12, 2007**

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

Chair Ila Mettee-McCutchon called the meeting to order at 4:05 pm. The following voting members were present:

Chair/Mayor Mettee-McCutchon (City of Marina)	1 <sup>st</sup> Vice Chair/Mayor Russell (City of Del Rey Oaks)
2 <sup>nd</sup> Vice Chair/Mayor Rubio (City of Seaside)	Mayor McCloud (City of Carmel-by-the-Sea)
Councilmember Morrison (City of Marina)	Mayor Della Sala (City of Monterey)
Supervisor Calcagno (County of Monterey)	Councilmember Barnes (City of Salinas)
Mayor Pendergrass (City of Sand City)	Councilmember Mancini (City of Seaside)
Councilmember Davis (City of Pacific Grove)	

Absent were Supervisors Potter and Smith (County of Monterey).

Ex-Officio members:

Alec Arago (17 <sup>th</sup> Congr. District)	Rito Guerra (15 <sup>th</sup> State Senate District)
Craig O'Donnell (27 <sup>th</sup> State Assembly District)	Niraj Dangoria (CSUMB)
Dr. Douglas Garrison (Monterey Peninsula College)	Dr. John Lamb (MPUSD)
Lora Lee Martin (UC MBEST)	Kenneth K. Nishi (Marina Coast Water District)
Karen Fisbeck (BRAC)	

There were no representatives from Monterey-Salinas Transit, the U.S. Army or TAMC. [Ms. Hale (TAMC) arrived at the beginning of the discussion of Item 6a.]

**2. PLEDGE OF ALLEGIANCE**

Chair Mettee-McCutchon asked all to join her in reciting the Pledge of Allegiance.

**3. ACKNOWLEDGEMENTS - None**

**4. PUBLIC COMMENT PERIOD**

Ron Chesshire from the Monterey/Santa Cruz Building and Construction Trades Council ("BCTC") stated that one item was not on this meeting's agenda. He stated that a tentative understanding with the University Village project representatives had been reached, which protects the wages, benefits and training of the workers. Thom Gamble from Marina Community Partners stood beside him at the microphone and concurred.

**5. CONSENT AGENDA**

There was one item on the Consent Agenda: Item 5a (Action Minutes of the December 8, 2006 Board Meeting). **Motion to approve the minutes of the December 8, 2006 board meeting was made by Councilmember Morrison, seconded by Councilmember Mancini, and carried.**

## 6 ITEMS FROM ADJOURNED DECEMBER 8, 2006 BOARD MEETING

Item 6a – Prevailing Wage Policy: Chair Mettee-McCutchon reopened the public hearing. The following comments were heard by the Board: (1) Howard Gustafson stated that he supported payment of prevailing wages; (2) Bob Schaffer from Marina Community Partners recommended deferring action on the item; (3) Cesar Lara from the Monterey Bay Labor Central Council urged the Board to protect and support prevailing wages for the well-being of the community; (4) Ron Chesshire (previously identified) called attention to the two draft resolutions that had been distributed and requested a quick resolution of the issues because of certain legal time limits; and (5) Rob Wellington, Marina City Attorney, urged the Board to act on an appropriate resolution to the Master Resolution when the pending lawsuit is settled. The Chair opened discussion to the Board. Mayor Rubio commented that payment of prevailing wages is a “bedrock of the Master Resolution” and urged support for the BCTC draft resolution. Councilmember Morrison advised continuing the item to the next meeting so the litigants had more time to find a solution. **Motion to continue the item to the February meeting was made by Councilmember Morrison and seconded by Mayor Russell.** After considerable discussion, a call for the vote was made. There were nine yes votes and two no votes (Mayor Rubio and Councilmember Mancini). Authority Counsel Bowden stated that this motion involved a procedural matter where the majority rules, so **the motion carried.**

Item 6b – Zander Contract Time Extension for Habitat Conservation Program Consulting Services: **Motion to authorize the Executive Officer to execute a time extension to the end of this fiscal year (6/30/07) to the existing contract with Zander Associates for biological and environmental consulting services was made by Mayor Russell, seconded by Mayor Pendergrass, and carried.** There were no board or public comments.

Item 6c – Fiscal Year '05–06 Financial Report: **Motion to accept the FORA’s Fiscal Year '05-'06 Annual Financial Report (Audit Report) by Nicholson & Olson, Certified Public Accountants, was made by Mayor McCloud and seconded by Councilmember Morrison.** There were no board or public comments. **The motion passed.**

Item 6d – Cypress Knolls Project: (1) Approval of Memorandum of Understanding Among the City of Marina, the Marina Redevelopment Agency and FORA; (2) Notice of Appeal Submitted by “Save Our Peninsula” and Open Hearing; and (3) Consistency Determination. Executive Officer Houlemard opened with several clarifying and summary remarks. The Chair opened discussion to the Board. Mayor Russell questioned why the Notice of Appeal was not an action item at this meeting; Authority Counsel Bowden clarified that an appeal and a consistency determination are one and the same question and that the appeal is of the Marina City Council action, not FORA’s action. Mayor McCloud asked if two Marina representatives should recuse themselves from the discussion, and Chair Mettee-McCutchon responded that the Marina directors are expected to act on FORA consistency determinations, but should not act on a judgment of the appeal. Executive Officer Houlemard clarified that there is no appeal on the legislative land use decision; only the project entitlement can be appealed. Authority Counsel concurred that the appeal had not been appropriately noticed for what the Board apparently wants to do at this meeting, but the Board could act on the legislative land use portion of the consistency determination. Jennifer Coile, Marina Project Manager for Cypress Knolls, introduced Bill Jennings from Front Porch, the non-profit developer, and Martin Lakatos, the project manager. A PowerPoint presentation by the City of Marina followed. Board members asked a number of clarifying questions. The mitigation of the Highway 1 interchange was a concern. Ron Marquez, the traffic engineer from the Environmental Impact Report, stated that improvements to Highway 1 at this time were not consistent with the regional and coastal policies, which was the reason Marina moved forward with the “unmitigated mitigation measure.” He added that a widening project might be needed in the long-term, however. (Supervisor Calcagno left the meeting at this time, but a quorum was still present.)

FORA Director of Planning and Finance Steve Endsley gave the staff's presentation. Board discussion followed. Executive Officer Houlemard suggested that if the Board chooses to defer the appeal hearing, it would also defer action with respect to the project level entitlement. **Councilmember Morrison moved that the Board act on the Notice of Appeal and the project entitlement portion of the consistency determination at next month's meeting. This motion was seconded by Mayor Rubio. Executive Officer Houlemard also suggested that the Board consider acting on the resolution concurring with Marina's determination that the legislative land use element of the project is consistent with the Base Reuse Plan and also take public comment and act on the Memorandum of Understanding between the City of Marina, Marina Redevelopment Agency and FORA. Councilmember Morrison and Mayor Rubio agreed to incorporate Executive Officer Houlemard's suggested actions into their previous motion. This motion carried.** Concern about the time was expressed.

Chair Mettee-McCutchon opened the public hearing on the legislative land use action. John Fischer (Pacific Grove) expressed concern about the number of jobs created that would support the amount of market housing being constructed, because most of the jobs seem to be in the service income category. Richard Rosenthal, attorney for Save Our Peninsula, expressed his clients' concerns about the absence of traffic improvements at Imjin and Highway 1 and said that Marina might have removed this item from their Capital Improvement Program, which is not permissible under CEQA or consistent with financing improvements. He questioned points in Marina's brief in opposition to Save Our Peninsula's request for a writ of mandate (also discussed in Exhibit 8 of his 12/7/06 letter). Garrett Gritz, the project engineer for the Project Study Report ("PSR"), stated that Marina was evaluating several alternatives and was committed to finding a solution to the PSR funding issue. **A motion to approve the resolution concurring in the City of Marina's determination and making findings that the amendments to the General Plan, General Plan Map, Zoning Ordinance, and Zoning Map, covering areas within the FORA jurisdiction, is consistent with the Fort Ord Base Reuse Plan was made by Mayor McCloud and seconded by Mayor Pendergrass.** Doug Garrison said that Monterey Peninsula College ("MPC") had placed on the table two alternatives as acceptable options to resolve the roadway issue the college had with the City of Marina and said he was optimistic resolution could be achieved. He noted that the Administrative Committee had recommended approval of the consistency determination, pending resolution of the roadway issue, but urged the Board to consider this issue more closely before conferring consistency. Since it was close to 6:00 pm, the Board's automatic adjourn time, **Councilmember Morrison made a motion to extend the meeting to 6:30 pm, which was seconded by Councilmember Mancini. This motion carried.** Executive Officer Houlemard clarified that MPC's concerns were part of the project entitlement, which the Board had decided to take up at the February meeting, not the legislative land use action. **Mayor McCloud's prior motion carried. A motion to approve the Memorandum of Understanding among the City of Marina, the Marina Redevelopment Agency, and FORA, concerning certain terms of agreement, including payment of FORA developer fees of at least \$12,539,065, for the Cypress Knolls Development Project was made by Councilmember Morrison, seconded by Councilmember Barnes, and carried.**

Noting the time, Chair Mettee-McCutchon requested that the action items on the agenda be considered out of order. **A motion to reorder the agenda to address Items 7b, 7c, 8b and 10, per the Chair's request, was made by Councilmember Morrison, seconded by Councilmember Mancini, and carried.**

## 7. NEW BUSINESS

Item 7b – Confirmation of Appointment by the Chair to Fill a Vacancy on the FORA Finance Committee: **A motion to approve the appointment of BRAC representative Karen Fisbeck to fill a vacancy on the Finance Committee was made by Mayor Russell, seconded by Mayor Rubio, and carried.**

Item 7c – Confirmation of Appointment of Two Elected Officials from the FORA Board to Serve on Marina Coast Water District’s (“MCWD”) Ord Community Ad Hoc Annexation Committee: **A motion to appoint Mayor Rubio as FORA’s primary representative to MCWD’s Ord Community Ad Hoc Annexation Committee and Mayor Della Sala as the alternate was made by Mayor Russell, seconded by Councilmember Morrison, and carried.**

## 8. OLD BUSINESS

Item 8b – Water Augmentation Program Report: Changing the 150 Acre-Feet Per Year (AFY”) Loans to Del Rey Oaks, Seaside, Marina, and Monterey County to Permanent Allocations (SECOND VOTE): Director of Planning and Finance Steve Endsley pointed out that all of the extra information requested by the Board at the December meeting had been incorporated into the board report. **A motion to adopt the resolution changing the 150 AFY to Del Rey Oaks, Seaside, Marina, and Monterey County in October 1998 to permanent additions to their water allocations was made by Councilmember Morrison and seconded by Councilmember Mancini.** Board discussion followed. Mayor McCloud called attention to several inconsistencies in the water figures and said she thought it would be a big mistake to make a permanent allocation from the reserve until reliable sources of water could be assured; she said it is also important to look at the big picture. Mayor Russell remarked that FORA water is pumped from the Salinas Valley aquifer, not the Water Master aquifer that the judge’s recent order pertains to. Mayor Rubio emphasized that the focus should be on the job creation and economic redevelopment projects, where the water is needed now. Lora Lee Martin repeated the University of California’s request for equal and fair treatment and an additional one AFY of water. A vote on the motion was called. **There were eight yes votes and two no votes (Mayor McCloud and Councilmember Davis).** **The motion passed by majority vote, since it was a second vote. A motion to bring back the University of California’s request for a permanent allocation of one additional AFY of water at the February meeting was made by Mayor Rubio, seconded by Councilmember Mancini, and carried.**

## 10. ELECTION OF FORA OFFICERS FOR 2007

**A motion to elect the slate of officers as recommended by the Nominating Committee by unanimous consent was made by Councilmember Mancini, seconded by Councilmember Morrison, and carried.** The following board members will serve one-year terms from February 2007 through January 2008: Chair – Mayor Joe Russell, 1<sup>st</sup> Vice Chair – Mayor Ralph Rubio, 2<sup>nd</sup> Vice Chair – Supervisor Jerry Smith, Past Chair – Mayor Ila Mettee-McCutchon, and Representative-at-Large – Mayor David Pendergrass.

## 11. ADJOURNMENT

Outgoing Chair Mettee-McCutchon adjourned the meeting at 6:30 pm.

Minutes prepared by Linda Stiehl, Deputy Clerk

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