

**ACTION MINUTES
OF THE
FORT ORD REUSE AUTHORITY
BOARD OF DIRECTORS' MEETING
Fort Ord Reuse Authority Conference Facility/Bridge Center
November 9, 2007**

1. CALL TO ORDER

Chair/ Mayor Joe Russell called the meeting to order at 4:36 p.m. and requested a roll call.

Voting members present:

Chair/Mayor Russell (City of Del Rey Oaks)	1 st Vice Chair/Mayor Rubio (City of Seaside)
Mayor Pendergrass (City of Sand City)	Councilmember McCall (City of Marina)
Mayor Della Sala (City of Monterey)	Supervisor Potter (County of Monterey)
Councilmember Davis (City of Pacific Grove)	Supervisor Salinas (County of Monterey)
Mayor McCloud (City of Carmel-by-the-Sea)	Councilmember Mancini (City of Seaside)
Councilmember Barnes (City of Salinas)	

Absent were Supervisor Calcagno and a second representative from the City of Marina.

Ex-Officio members present:

Alec Arago (17 th Congr. District)	Colleen Freeman (27 th State Assembly District)
James Main (CSUMB)	Vicki Nakamura (Monterey Peninsula College)
Dr. Tom Woodruff (MPUSD)	Graham Bice (UC MBEST)
Bill Collins (BRAC)	Kenneth K. Nishi (Marina Coast Water District)

Arriving after the meeting was called to order were Rito Guerra (15th State Senate District), Hunter Harvath (Monterey-Salinas Transit), and COL Pamela Martis (U.S. Army). The Transportation Agency for Monterey County was not represented.

With a quorum present, Chair Russell opened the meeting.

2. PLEDGE OF ALLEGIANCE

Chair Russell asked Mayor Della Sala to lead the Pledge of Allegiance.

3. ACKNOWLEDGEMENTS

Chair Russell acknowledged the presence of Councilmember McCall, an alternate from the City of Marina.

4. PUBLIC COMMENT PERIOD

There were no public comments.

5. CONSENT AGENDA

There were six items on the Consent Agenda: Item 5a (Action Minutes of the September 14, 2007 board meeting), Item 5b (Minutes of the September 26, 2007 board meeting), Item 5c (Imjin Office Park Project – Approval of Ausonio, Inc. contract), Item 5d (Preston Park Management Agreement), Item 5e (Fiscal Year 06-07 Annual Financial Report), and Item 5f (2008 Calendar of FORA Board meeting dates).

Mayor Rubio recused himself from the voting on Item 5c. Several board members asked questions about Item 5d, including had the tenants been informed of the changes in management and what references were checked prior to selection of Alliance. Supervisor Potter recused himself from voting on the September 26th minutes. Councilmember McCall recused himself from voting on Item 5a and 5b. Mayor Della Sala pointed out a title correction in the September 26th minutes. There were no public comments. **Motion to approve the six items on the Consent Agenda, including the title correction, was made by Mayor Pendergrass, seconded by Mayor McCloud, and carried.**

6. OLD BUSINESS

Item 6a - Habitat Conservation Plan (“HCP”) Approval Process: Director of Planning and Finance Steve Endsley mentioned the full schedule of meetings related to the HCP, which included those with Jones and Stokes, the new consultants, and their legal counsel regarding FORA’s successor organization. Executive Officer Houlemard reported on the recent meetings with Mike Chrisman, Secretary of the California Resources Agency, and John McCamman, Chief Deputy Director of the California Department of Fish and Game, and remarked that the two agencies appear to living up to their previous commitments. There were no board or public comments.

Item 6b – Environmental Services Cooperative Agreement (“ESCA”) – Status Report: Real Property and Facilities Director Stan Cook called attention to FORA’s critical dates, technical progress and work completed during the quarter on page 4, the summary of public participation on page 8 of the Quarterly Project Report, and the October outreach report, which were attached to the staff report. He said that meetings with the regulators regarding access issues had been positive. He announced that Laura Baldwin had been hired as the ESCA Program Coordinator and introduced her. Mr. Cook said that with the approval of Contract Change Order #2, site preparation activities would be commencing in the near future. Executive Officer Houlemard noted that FORA’s public outreach activities and meetings, which have been well attended, are in addition to the Army’s outreach program. There were no board or public comments.

7. NEW BUSINESS

Item 7a – Army/Seaside Property Exchange – FORA Concurrence: Mayor Rubio recused himself from this item. Special Counsel George Schlossberg from Kutak Rock and Ray Corpuz, Seaside City Manager, provided the presentation. Mr. Schlossberg summarized the three separate but interlocking agreements in this property exchange, along with the main terms and conditions. He noted that 109 acre-feet of Army water will be transferred to the City of Seaside, of which 33 acre-feet must be used for affordable and workforce housing (about 140 units) in the RCI project and 5.5 acre-feet will be used for the American Youth Hostel, as long as it exists on its parcel. Mr. Corpuz commented on the advantages to all parties of this long-negotiated matter. COL Martis remarked that in reference to Section 12A(b) of one of the agreements concerning the Army’s use of the fire station on General Jim Moore Blvd. for 15 years until transfer to the City of Seaside and the City’s offer to provide free fire protection to the Army, the latest word from the Army was that it was not feasible to accept the offer at this time. Board members asked a number of clarifying questions during the discussion. **Motion to concur with the terms of the agreements between the City of Seaside, the U.S. Army, the Fort Ord Reuse Authority, California State Parks, and American Youth Hostels was made by Supervisor Potter and seconded by Councilmember Mancini.** John Fischer from Pacific Grove asked why the definitions of affordable and

workforce housing were not included in any of the agreements, although the terms were. Mr. Schlossberg said these terms will use the definitions accepted by the State of California, and Councilmember Mancini added those come from the Department of Housing and Urban Development guidelines. **The motion carried.**

Item 7b – Fiscal Year 2008 Legislative Agenda: Executive Officer Houlemard called attention to the “Corrected and Amended Draft”, which had been distributed at the board table, and the two added items, Items H and I. He said that the changes in Item C in the previous draft had been omitted. There was one question from a board member and no comments from the public. **Motion to approve the corrected and amended draft of the 2008 FORA Legislative Agenda was made by Mayor Della Sala, seconded by Supervisor Potter, and carried.**

Item 7c – Central Coast Veterans Cemetery Funding: Executive Officer Houlemard summarized the item. Mayor Rubio remarked that the City of Seaside had dedicated the land for this cemetery and given the project their full support. Councilmember Mancini said that local veterans fully support this project. Alec Arago said that Congressman Farr also supports the project, as does Senator Maldonado, reported Rito Guerra. Ralph Lair (retired Army) made the only public comment, reminding all of the veterans from the Iraqi conflict coming back to this area, as well as those who had served in other military conflicts, and urged FORA’s support of the cemetery. **Motion to authorize the Executive Officer to execute a reimbursement agreement with the County of Monterey for a loan up to \$191,000 for the preparation of a Veterans Cemetery Master Development Plan on former Fort Ord and to coordinate with the County of Monterey Military and Veterans Affairs Office to obtain financial participation from member jurisdictions and other interested parties for the \$191,000 loan, plus interest, was made by Supervisor Potter and seconded by Mayor Rubio.** Supervisor Potter stated that the Board of Supervisors “considers this cemetery an extremely high priority project” and pointed out the need for local leadership. Mayor McCloud asked about the fiscal impact of the loan to FORA and why interest would be charged to those who offer financial assistance but could not pay upfront, and Executive Officer Houlemard responded that FORA does not have reserve funds to cover this cost and FORA’s policy is to charge interest on all its loans. Supervisor Salinas commented that it is important to “keep this fire lit” and expedite moving forward. **The motion passed.**

Item 7d – Local landfill debris disposal agreements presentation – Monterey Regional Waste Management District (“MRWMD”): Real Property and Facilities Director Stan Cook introduced Tim Flanagan, MRWMD Assistant Manager. Mr. Flanagan said his agency was greatly concerned about all the demolition and construction debris from former Fort Ord that is being trucked to off-site landfills with lower tipping fees, in addition to differences in indemnification and risk management, and the resulting loss of revenue. He focused his presentation on three areas: the legal issues, e.g., MRWMD’s authority to direct district waste into local landfills; the environmental issues, e.g., the need to reduce the tonnage to meet state mandates; and the financial issues, e.g., costs associated with operations, such as the number of free programs offered to the local population that are covered by the current tipping fees. He estimated that the loss of the 10,000 – 15,000 tons of disposable waste reduces MRWMD’s annual revenue between \$500,000-\$600,000 per year. Executive Officer Houlemard pointed out that this is a jurisdictional issue and that FORA has no regulatory power to change the situation. Mayor McCloud commented on the impact to the local customers (higher fees) and the road, traffic and environmental factors when offsite landfills are used. Board discussion followed. **The final motion to (1) receive Mr. Flanagan’s report, (2) direct staff to look into the issues of non-local waste disposal with its jurisdictions and (3) bring back a report to the Board at a subsequent meeting was made by Supervisor Potter, seconded by Councilmember Mancini, and carried.** Executive Officer Houlemard commented that the City of Marina had offered to host a series of meetings to resolve these issues.

Item 7e – Confirmation of appointments by the Chair to fill vacancies on the Finance, Legislative and Executive Committees: Executive Officer provided information about the vacancies. **Motion to confirm the Chair’s recommendation and the Executive Committee’s approval to appoint Graham Bice to the Finance Committee was made by Mayor Rubio, seconded by Councilmember Mancini, and carried. Motion to confirm the Chair’s recommendation and the Executive Committee’s approval to appoint Supervisor Potter to the Legislative Committee was made by Councilmember Davis, seconded by Councilmember Barnes, and carried.** Supervisor Potter said he was not aware of discussion at the Executive Committee meeting, which he had been unable to attend, of his being recommended to serve on the Executive and Nominating Committees in an at-large capacity until the 2008 elections at the January board meeting, but acknowledged that the timing of the situation was unique. He stated it was important to maintain a County representative on the Executive Committee. Lew Bauman, Monterey County Chief Administrative Officer, clarified that the Board of Supervisors’ intent was that Supervisor Potter be appointed to fill Supervisor Smith’s positions on the Executive Committee, as a member and as 2nd Vice Chair. A lengthy discussion followed. **The final motion was made by Mayor Rubio and seconded by Mayor McCloud to (1) appoint Supervisor Potter to serve on the Executive Committee until the 2008 elections, (2) serve on an interim basis as 2nd Vice Chair, and (3) be a member of the Nominating Committee, substituting for Supervisor Smith in all these capacities. This motion carried.**

Item 7f – Appointment of the Nominating Committee for the 2008 Officers: Mayor Russell announced that the following members had agreed to serve on the Nominating Committee to select next year’s officers: Mayor Della Sala (Chair), Mayor Russell, Mayor Mettee-McCutchon, Mayor Rubio, Mayor Pendergrass, and Supervisor Potter. There were no board or public comments. **Motion to receive the report from the Nominating Committee was made by Councilmember Davis, seconded by Supervisor Potter, and carried.**

8. EXECUTIVE OFFICER’S REPORT

There were six items in this report: Item 8a (Administrative Committee report), Item 8b (Finance Committee report), Item 8c (Executive Officer’s travel report), Item 8d [Fort Ord Reuse Authority Quarterly Report (July-September 2007)], Item 8e (Fort Ord Reuse Authority Investments – Quarterly Status Report), and Item 8f (Base Reuse Plan Reassessment Planning – Update). Executive Officer Houlemard called attention to the Fort Ord Housing Development – Summary Table in FORA’s quarterly report (Item 8d) and said this would be a regular feature. He said the Base Reuse Plan Reassessment Planning update would be provided on a quarterly basis, the next one published in April. Mayor McCloud asked about the interim activities and Executive Officer Houlemard responded that the working group may or may not continue to meet and also noted the possible timing impacts of the changing economy on former Fort Ord development and the Capital Improvement Program. He said that many of the triggers to reassessing the Base Reuse Plan are changing very rapidly, and he expects that staff may recommend a board workshop at some point next year.

9. ANNOUNCEMENTS AND CORRESPONDENCE - None

10. ADJOURNMENT

Chair Russell adjourned the meeting at 5:37 p.m.

Minutes prepared by Linda Stiehl, Deputy Clerk.

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