

**ACTION MINUTES
OF THE
FORT ORD REUSE AUTHORITY
BOARD OF DIRECTORS' MEETING
Fort Ord Reuse Authority Conference Facility/Bridge Center
January 9, 2009**

1. CALL TO ORDER AND ROLL CALL

Chair Russell called the meeting to order at 3:37pm and requested a roll call.

The following board members were present:

Voting members present:

Chair/Mayor Russell (City of Del Rey Oaks)	Mayor Rubio (City of Seaside)
Mayor McCloud (City of Carmel)	Councilmember Gray (City of Marina)
Councilmember McCall (City of Marina)	Councilmember Barnes (City of Salinas)
Councilmember Mancini (City of Seaside)	Mayor Pendergrass (City of Sand City)
Councilmember Selfridge (City of Monterey)	Supervisor Calcagno (County of Monterey)
Councilmember Kampe (City of Pacific Grove)	Supervisor Potter (County of Monterey)
Jim Cook (County of Monterey)	

Ex-Officio members present:

Graham Bice (UC Santa Cruz)	James Main (CSU Monterey Bay)
Dr. Douglas Garrison (MPC)	Amy Treadwell (27 th State Assembly District)
Gail Youngblood (BRAC)	Kenneth Nishi (Marina Coast Water District)
COL Darcy Brewer (U.S. Army)	Dan Albert, Jr. (MPUSD)
Hunter Harvath (Monterey-Salinas Transit)	

Arriving after the roll was called Debbie Hale (TAMC). Absent were representatives from the 17th Congressional District and the 15th State Senate District.

With a quorum present, Chair Russell opened the meeting.

2. PLEDGE OF ALLEGIANCE

Chair Russell asked Supervisor Potter, who agreed, to lead the Pledge of Allegiance.

3. ACKNOWLEDGEMENTS

Chair Russell acknowledged former Supervisor Ila Mettee-McCutchon who was present in the audience and commended her long service to FORA. Mayor Rubio, Councilmember Mancini, Supervisor Potter, Mayor McCloud, Councilmember Barnes, among others, made comments about her dedication to public service, her efforts to get the Central Coast Veterans Cemetery project moving forward, her service on the FORA Board in four different capacities, and the great mentor she has been. Executive Officer Houlemard recommended that an urgency item be considered by the Board. **Motion to consider an urgency item was made by Councilmember Mancini, seconded by Mayor Rubio, and carried.** Mr. Houlemard read a Resolution of

Appreciation and Commendation to Ila Mettee-McCutchon, and **board members unanimously agreed to approve it.** Ms. Mettee-McCutchon followed with personal remarks to those attending the meeting.

Chair Russell also acknowledged and welcomed the following newly appointed board members: Councilmember Bill Kampe from the City of Pacific Grove; Amy Treadwell, Assemblymember Monning's field representative; and Councilmember Nancy Selfridge from the City of Monterey. He also acknowledged newly installed Supervisor Jane Parker, who was sitting in the public section.

4. PUBLIC COMMENT PERIOD - none

5. CONSENT AGENDA

There was one item on the Consent Agenda: Item 5a (December 12, 2008 board meeting minutes). There were no board or public comments. **Motion to approve Item 5a was made by Councilmember Mancini, seconded by Mayor McCloud, and carried.**

6. OLD BUSINESS

Item 6a - Habitat Conservation Plan ("HCP") approval process: Associate Planner Jonathan Garcia opened his report with a short PowerPoint, from which he summarized the background of the HCP approval efforts since 1996, the draft Joint Powers Authority ("JPA") Agreement, the draft Implementing Agreement, and the recent meetings. Executive Officer Houlemard added that substantial progress has been made during the past six weeks resulting in a "significant amount of light at the end of the tunnel." He remarked that "we are close to having the HCP document published." Mayor Russell asked how the JPA would work, and Mr. Houlemard said it was a cooperative effort among the agencies that have habitat obligations on former Fort Ord. The JPA will assume FORA's HCP oversight responsibilities after FORA sunsets. There were no other board comments or any public comments.

At this time, Chair Russell acknowledged the presence of Councilmember Ken Gray, Marina's alternate, at the board table.

Item 6b – Marina Coast Water District ("MCWD") capacity charges: (1) SECOND VOTE on December board motion and (2) Approval of Resolution #09-02 amending Resolution #08-06: Associate Planner Jonathan Garcia summarized the two actions before the Board and called attention to the revised resolution that was distributed, noting the most recent changes. **Motion to approve Items 6a(1) and 6a(2) was made by Mayor Rubio, inclusive of all notes and amendments, and seconded by Supervisor Potter.** Councilmember McCall asked what the payback legal limits permitted by law in §1.7 were and why was this text included. Executive Officer Houlemard said this language would allow funding to be received from special grants, bonds, and other funding sources with restricted pay back mechanisms, because these opportunities are not automatically available without such specific language. Chair/Mayor Russell asked if there were any substantive changes in the final draft resolution, and Authority Counsel replied no. There were no further board comments or any comments from the public. **The motion passed unanimously.**

Item 6c – California State University, Monterey Bay 2007 Master Plan: Recirculated Draft Environmental Impact Report (RDEIR) dated July 2008 – FORA's comment letters to the RDEIR:

Executive Officer Houlemard provided a brief background summary. He said that a memorandum of agreement/understanding among the campus, the jurisdictions and FORA, had been drafted and is now circulating; it explains how the campus is moving ahead with its Master Plan and how it will handle its fair share obligations. Jim Main, the CSUMB representative, said the campus has endeavored to open lines of communications with the jurisdictions and is working to understand the methodology in order to determine a fair share figure and reach an equitable agreement. He remarked that mitigation funding today is entirely dependent on allocations approved by the California Legislature, which remains a stumbling block. Supervisor Calcagno asked if economic recovery funds could be a source of this funding. Executive Officer Houlemard said possibly, noting that improvement projects on General Jim Moore Blvd. and Eastside Road had completed their design component and are ready to move forward quickly when funding is available. He added that funding for the Imjin Parkway overpass is a major issue since it involves so many entities and is expensive. TAMC General Manager Debbie Hale asked what CSUMB's total mitigations are (The list showed \$13.9 million). Marina Coast Water District representative Ken Nishi asked if the mitigations could be included in the project costs. Mr. Houlemard responded that this suggestion had been the topic of many conversations. He said the number of cars and people, not the buildings themselves, determine the mitigations per CEQA regulations. Mr. Main remarked that securing more funding for mitigations for Academic 2 Building is not an option now, since the funding has already been identified, but it is in suspension due to state budgetary problems. He said that other CSU vice presidents have been discussing mitigation funding on a project basis devoted to CEQA compliance and environmental matters and are gathering information from other state educational institutions. Changes to include mitigations would require change in the overall infrastructure and approval by the CSU Board of Trustees. He said he would be happy to hear any suggestions or advice. There were no public comments.

Item 6d – Environmental Services Cooperative Agreement (“ESCA”) - update: Executive Officer Houlemard remarked that 2008 had been an “extraordinarily positive year” for the Fort Ord ESCA project. The latest good news was receipt on December 17th of the final ESCA payment of \$28 million from the Army. He said the project is now fully funded. Stan Cook, FORA's ESCA Program Manager, provided an ESCA status update assisted by a PowerPoint. He covered the major activities, including maps of the Seaside 1-4 activity closeout and the current work areas, photos of the Residential Quality Assurance (“RQA”) pilot project and the Parker Flats/Group 1 area, and a list of the upcoming community events. Mr. Houlemard added that the ESCA project is moving ahead in a very positive way, partly because of the great coordination with BRAC and the Army. He reported that the RQA pilot project has some of the best consultants in the country working on it. This purpose of this project is investigate and confirm the results of earlier Army MEC (“Munitions and Explosives of Concern”) field work with the newest technology to determine if further work is required to improve confidence levels sufficiently to permit residential uses. Kristie Reimer, the LFR ESCA Project Manager, remarked that the technological advancements are very exciting to the state and federal regulators and added that four ordnance and explosive items were found just today with RQA technology. Councilmember Mancini asked that the Veterans Cemetery Advisory Committee members be notified of the January 14th meeting.

7. NEW BUSINESS

Item 7a - Authorize use of Fort Ord Reuse Authority's (“FORA's”) funds for Del Rey Oaks' portion of Pollution Legal Liability loan payment: Executive Officer Houlemard summarized the situation and reported that a check had been received from the developer late today but it is pending clearance by the bank before any action on Item 7a is taken. **Motion to authorize the use of \$251,023 of FORA's funds to pay Del Rey Oaks' portion of the Pollution Legal**

Liability insurance, pending clearance of the developer's check, and also authorize the Executive Officer to adjust the beneficiary listing, if necessary, was made by Mayor Rubio and seconded by Supervisor Potter. Chair Russell abstained from the discussion and voting. Debbie Hale asked what the cost implications of reallocating the coverage elsewhere were. Mr. Houlemard said the other policyholders would not be impacted by this payment default, because each party has a separate agreement with the insurer. **The vote was called and the motion carried.**

8. EXECUTIVE OFFICER'S REPORT

There were three items in this report: Item 8a (Administrative Committee report), Item 8b (Executive Officer's travel report) and Item 8c (Imjin Office Park term sheet update): Re Item 8b: Executive Officer Houlemard said he had received word from Washington, DC, this morning inviting him to speak at a Senate Armed Services Committee hearing next Wednesday, January 21st, addressing funding issues related to legacy (closed) military bases with Ordnance & Explosives removal responsibilities. He requested that the Board consider an urgency item to authorize an extension of his trip to begin next week, instead of January 18th, since the Executive Committee, which approves his travel, is not scheduled to meet until February 4th. While he is in Washington, DC, he said he expects to meet with some of the president-elect's transition team and other administration leaders to gain information about, and lobby for, some of the economic recovery funds for former Fort Ord projects. He said his travel next week would be partially reimbursed by the Association of Defense Communities ("ADC") and he asked for flexibility to adjust the costs between ADC and FORA and to combine the two trips into one. Mayor McCloud suggested that the Board consider covering Mr. Houlemard's air travel and lodging for his entire trip. The final motion was as follows: **Motion to authorize Mr. Houlemard's extended trip to Washington, DC, as described in the previous discussion and including Mayor McCloud's suggestion, was made by Mayor Rubio, seconded by Councilmember Mancini, and carried.**

9. ELECTION OF OFFICERS FOR 2009

Mayor Pendergrass, who served as Chair of the Nominating Committee, announced the candidates. **Motion to elect Mayor Ralph Rubio as Chair, Supervisor Dave Potter as 1st Vice Chair, and Councilmember Dave McCall as 2nd Vice Chair, and confirm the appointments of Mayor Joe Russell as Past Chair and Mayor David Pendergrass as representative-at-large was made by Councilmember Mancini, seconded by Councilmember Selfridge, and carried.**

Outgoing Chair Russell turned the gavel over to incoming Chair Rubio. Chair Rubio thanked Mr. Russell for running a good meeting and "keeping the wildcats" in order.

10. ANNOUNCEMENTS AND CORRESPONDENCE - none

11. ADJOURNMENT - Chair Rubio adjourned the meeting at 4:40 p.m.

Minutes prepared by Linda Stiehl, Deputy Clerk.

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