



Fort Ord Reuse Authority

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BOARD OF DIRECTORS MEETING

Friday, January 13, 2012

4:00 p.m. - Carpenters Union Hall

920 2nd Ave, Suite A, Marina (on the former Fort Ord)

MINUTES

A special reception was held at 3:00 pm in the new Fort Ord Reuse Authority (FORA) Community Information Center for Secretary of the Interior Ken Salazar; FORA board members and invited guests attended. Secretary Salazar then addressed members of the community in the Carpenters Union Hall; about 300 people were in attendance. When the question and answer session ran overtime it was announced that the FORA Board meeting would take place in the FORA Conference Room in the adjoining building. A sign was posted on the door to announce this change.

1. CALL TO ORDER AND ROLL CALL

Chair Potter called the January 13, 2012, Board of Directors meeting to order at 4:12 p.m.

Voting members present:

Chair/Supervisor Potter (County of Monterey)	2 nd Vice Chair/Mayor Pro Tem O'Connell (City of Marina)
1 st Vice Chair/Mayor Edelen (City of Del Rey Oaks)	Councilmember Oglesby (City of Seaside)
Mayor Pendergrass (City of Sand City)	Jim Cook (County of Monterey)
Mayor Pro Tem Kampe (City of Pacific Grove)	Councilmember Brown (City of Marina)
Supervisor Parker (County of Monterey)	Mayor McCloud (City of Carmel-by-the-Sea)
Councilmember Selfridge (City of Monterey)	
Mayor Bachofner (City of Seaside)	

Arriving after the roll: Councilmember Brown (City of Marina)

Absent: none

Ex-Officio members present:

Nicole Charles (27th State Assembly District)
Hans Poschner (15th State Senate District)
Kevin Saunders (California State University Monterey Bay)
Dr. Bruce Margon (University of California Santa Cruz)
Dr. Douglas Garrison (Monterey Peninsula College)
Dan Albert, Jr. (Monterey Peninsula Unified School District)
Debbie Hale (Transportation Agency for Monterey County)
COL Joe Clark (United States Army)
Gail Youngblood (Fort Ord BRAC Office)
Howard Gustafson (Marina Coast Water District)

Absent: Alec Arago (17th Congressional District) and Hunter Harvath (Monterey-Salinas Transit)

2. PLEDGE OF ALLEGIANCE – Since no flag was present, Chair Potter omitted the Pledge of Allegiance.

3. ANNOUNCEMENTS, ACKNOWLEDGEMENTS, CORRESPONDENCE - none

4. PUBLIC COMMENT PERIOD

Jane Haines said that the deed restrictions and notice to be recorded on the rest of the Preston Park property had not been recorded, citing §8.01.010 of the FORA Master Resolution subsections j and k. Paula Pelot, Preston Park resident, commented that the time of the FORA Board meeting was inconvenient for people who work to attend, and video recordings of the proceedings are not available. She said the board's actions affect the lives of the Preston Park residents, and the only source of information is the minutes. She asked that the Board reconsider the start time and provide more detailed minutes. Patty Kramer, a Marina resident, made the same comment. Denise Turley, a Marina resident, asked that a public meeting be scheduled to address this concern. Chair Potter said these comments will be considered under agenda Item 6a.

5. CONSENT AGENDA

Supervisor Parker said she would also appreciate more detail in the minutes and made several refinements to her comments in the December minutes. Mayor McCloud remarked that a change to action minutes had been previously approved, and Executive Officer Houlemard concurred. Chair Potter said the Executive Committee would revisit this matter. There were no public comments. **Motion to approve the December 16, 2011 board minutes, including Supervisor Parker's changes, was made by Supervisor Parker, seconded by Mayor Edelen, and carried.** Mayor McCloud said that Carmel council meetings are available in streaming video and reported that it has been well received.

6. OLD BUSINESS

a. Preston Park

i. Second Vote (ACTION)

1. Authorize staff to secure an updated appraisal for Preston Park
2. Approve an up-to-ninety (90) day extension of the last Preston Park Management Agreement³.
3. Authorize staff to sell Preston Park

ii. First Vote on New Alliance/FORA Preston Park Management Agreement (ACTION)

iii. Disposition update (INFORMATION)

Assistant Executive Officer Endsley summarized the board report. Chair Potter said discussion of 6ai1 and 6ai3 would be first. General discussion on both items followed. Mayor McCloud asked if there was a date certain for the updated appraisal and Assistant Executive Officer Endsley replied yes. There were no public comments. **Motion to authorize staff to secure an updated appraisal for Preston Park (item 6ai1) was made by Mayor McCloud, seconded by Mayor Edelen, and carried unanimously.** Two board members suggested that mediation by the parties to work out their differences be given a chance, and Executive Officer Houlemard reported that a mediation meeting had been scheduled for February 2. Public comment re item 6ai3: Patty Kramer opposed the sale of Preston Park. Her recent letter had recommended that Preston Park be conveyed as a no-cost parcel, in view of Marina's budget constraints, but she acknowledged the need to fund infrastructure. She added that the residents would be unfairly treated if the property were sold. **Motion to authorize staff to sell Preston Park (item 6ai3) was made by Mayor Edelen and seconded by Councilmember Oglesby.** Discussion of the "buy" concept followed, and Authority Counsel Bowden provided clarification, stating that the Implementation Agreement separated out Preston Park as a special case, and, similar to the Abrams Park transaction, FORA is legally entitled to 50% of Preston Park's fair market value. Councilmember O'Connell suggested that the legal documents be carefully reviewed and any move forward should proceed with care. He stated that the Marina city council disagrees with the interpretation stated by Authority Council Bowden. **A vote was called for and the item passed, since this was a second vote and required only a majority [ten (10) yes votes and three (3) nay votes: Councilmembers Selfridge and O'Connell and Supervisor Parker].**

Item 6ai2: Chair Potter explained that a ninety-day extension in item 6ai2 referred to the three-party management agreement that expired on December 31, 2011. He stated that item 6ai2 is up for a second vote. Assistant Executive Officer Endsley clarified that the ninety-day extension in item 6aii would have been an extension at the December Board meeting, but, since this motion didn't pass in December and the three-party management agreement expired on December 31, 2011, the Executive Officer entered into a two-party management agreement, as authorized by the Board at their November meeting and described in the board report. Councilmember O'Connell asked why a Marina representative had not been permitted

to attend the Closed Session in November, when this was discussed, and that this appears to be a Brown Act violation. Authority Counsel Bowden explained that the item involved litigation. Councilmember Oglesby said this fact should have been noted in the minutes. Mayor McCloud asked if ninety days are enough time for this extension. Jim Cook asked what Marina's position was, and Councilmember O'Connell replied the city council supports extending the three-party management agreement for ninety days. Several public comments regarding the absence of public input in the Closed Session discussion were expressed. A discussion followed that revolved around supposed unilateral actions and all parties present agreed to communicate directly with each other to avoid future misunderstandings. **Motion to continue item 6ai2 (a second vote) and item 6aii (first vote) was made by Mayor McCloud, seconded by Supervisor Parker but then withdrawn, since this represented a change in the original 6ai2 first vote text.** Councilmember Brown suggested that item 6aii (the two-party agreement) be continued to the February board meeting. Discussion followed. **Motion to authorize an extension of the existing three-party management agreement for ninety days (item 6ai2) was made by Mayor McCloud, seconded by Mr. Cook, and failed (second vote).** The board expressed the need to more carefully review the redline draft and await the results of the mediation process. **Motion to continue discussion on the two-party management agreement (item 6aii) to the February board meeting was made by Mayor Bachofner and seconded by Mayor Edelen.** Public comment: Patty Kramer asked that the residents of Preston Park be emailed an explanation of these issues. Denise Turley commented that the recent rent increase was turned down because FORA had refused to take care of some maintenance problems. **The last motion passed unanimously.** Assistant Executive Officer Endsley said a meeting with the Preston Park residents would be scheduled.

- b. **California Central Coast Veterans Cemetery:** Senior Planner Jonathan Garcia summarized the board report. There were no board or public comments.

7. NEW BUSINESS

- a. **Denise Duffy and Associates – Contract Amendment #5:** Senior Planner Garcia summarized the board report. There were no board or public comments. **Motion to authorize the Executive Officer to execute Amendment #5 to the Denise Duffy and Associates contract, not to exceed \$158,000, to complete a second Administrative draft EIS/EIR document and screencheck version of the document was made by Mayor McCloud, seconded by Supervisor Parker, and carried.**
- b. **Base Reuse Plan (“BRP”) Reassessment – update:** Assistant Executive Officer Endsley summarized the board report and attachments. Executive Officer Houlemard requested that board members set aside three hours for a workshop/board meeting in February for a thorough briefing and discussion on the BRP and its reassessment. He suggested starting the meeting at 2:00. He said it was very important that all understand the Sierra Club settlement agreement, its provisions and implications. He called attention to the newly opened FORA Community Information Center in the FORA building and said the BRP can be found on the FORA website, www.fora.org.

8. EXECUTIVE OFFICER'S REPORT

All items were informational. Executive Officer Houlemard and Chair Potter made comments about Item 8a (Outstanding Receivables). Mr. Houlemard reported on Secretary of the Interior Ken Salazar's visit today, noting that the local community had urged Mr. Salazar to protect Bureau of Land Management's ("BLM's") 14,600 acres on the former Fort Ord through a National Landscape Conservation System National Monument designation, which could be achieved through an Executive Order by President Obama. Dr. Garrison asked if this designation had any affect on adjacent land. Mr. Houlemard replied no, but there are some restrictions, e.g., in the buffer zones in the Habitat Conservation Plan. Debbie Hale commented that the BLM designation would not affect the HWY 68 project, and she would like to coordinate a trip to Washington, DC, to pursue potential cost savings.

9. ELECTION OF OFFICERS – 2012

Mayor McCloud, chair of the Nominating Committee, announced the candidates: Chair – Supervisor Potter, 1st Vice Chair – Mayor Edelen, 2nd Vice Chair – Mayor Pro Tem O'Connell, and Board Representatives – Mayor Pendergrass and Mayor Bachofner. (When the position of Past Chair is vacant, the FORA Master Resolution allows for two board representatives.) There were no other nominations. **Motion to elect the five candidates**

to their respective offices/positions was made by Mayor McCloud, seconded by Councilmember Kampe, and carried.

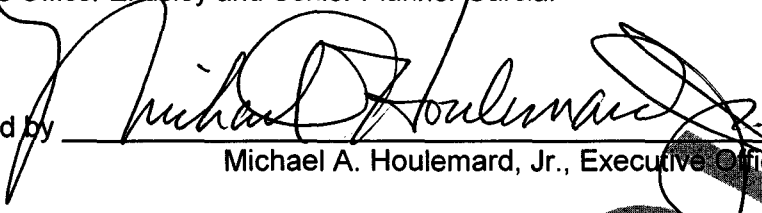
10. ITEMS FROM MEMBERS

Mayor McCloud said she had met with Brian O'Donnell from the Conservation Lands Foundation, and asked that the Monterey County Mayor's Association prepare a resolution in support of designating the former Fort Ord military base as a National Monument. Supervisor Potter said the Board of Supervisors would also be taking up the matter. Mr. Houlemard mentioned a meeting on January 18th at FORA. He added that FORA's tax increment should remain enforceable obligations that continue to go to FORA through redevelopment agencies' successor agencies. FORA was working to obtain a legal opinion on this issue. The FORA Finance Committee will review this matter at its February 1, 2012 meeting.

11. ADJOURNMENT – Chair Potter adjourned the meeting at 5:23 p.m.

Minutes prepared by Linda Stiehl, Acting Clerk, and reviewed by Executive Officer Houlemard, Assistant Executive Officer Endsley and Senior Planner Garcia.

Approved by _____


Michael A. Houlemard, Jr., Executive Officer/Clerk

APPROVED