



Fort Ord Reuse Authority

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BOARD OF DIRECTORS BOARD MEETING Friday, August 10, 2012 at 3:30 p.m. 910 2nd Ave, Marina (Carpenter's Union Hall)

Minutes

APPROVED

1. CALL TO ORDER AND ROLL CALL

Chair Potter called the Board Meeting to order at 3:30 p.m.

Voting Members Present:

Chair/Supervisor Potter (County of Monterey)
Mayor Edelen (City of Del Rey Oaks)
Mayor Burnett (City of Carmel-by-the-Sea)
Mayor ProTem O'Connell (City of Marina)
Councilmember Brown (City of Marina)
Councilmember Selfridge (City of Monterey)

Supervisor Parker (County of Monterey)
Councilmember Kampe (City of Pacific Grove)
Mayor Donahue (City of Salinas)
Mayor Pendergrass (City of Sand City)
Mayor Bachofner (City of Seaside)
Councilmember Oglesby (City of Seaside)

Absent:

Supervisor Calcagno (Monterey County)

Ex-Officio Members Present:

Congressman Sam Farr (17th Congressional District)
Hans Poschman (15th State Senate District)
Noelle White (27th State Assembly District)
Dr. Margon (University of California)
Justin Wellner (CSUMB) @ 3:34 p.m.

Dr. Garrison (MPC)
Hunter Harvath (Monterey-Salinas Transit)
Debbie Hale (Transportation Agency of Monterey County)
COL Clark (US Army) @ 3:20 p.m.
Gail Youngblood (Fort Ord BRAC Office)
Howard Gustafson (MCWD)

2. PLEDGE OF ALLEGIANCE

Congressman Farr led the Pledge of Allegiance.

3. ACKNOWLEDGEMENTS ANNOUNCEMENTS, AND CORRESPONDENCE

a. 2012 Annual Association of Defense Communities Conference in Monterey, CA

Executive Officer Michael Houlemard discussed the recently concluded conference.

Congressman Farr thanked the Board and community for their part in hosting the conference, noting that Fort Ord had become a national model for closure and reuse.

Chair Potter stated in order to minimize the costs associated with keeping Counsel waiting for closed session items through lengthy Board meetings, the Board would try to schedule a time certain for closed session. Thus, closed session had been agendized to begin at 5:00 p.m., after which the board could continue with any remaining business.

4. PUBLIC COMMENT

Ralph Rubio thanked Congressman Farr and Secretary Panetta for publicly acknowledging the work being done at FORA and urged the Board to continue with their mission.

LeVonne Stone, Fort Ord Environmental Justice Network, discussed the need for inclusivity and more low income housing.

Fe Stallworth, Central Coast Visiting Nurse Association and Hospice, asked for the Board's support for their one-day conference at CSUMB.

Eric Peterson asked inquired as to the discrepancy between the IRS established per diem rate and the one reported in the Monterey County Herald as used by FORA.

A member of the public thanked Congressman Farr for doing a terrific job.

Congressman Farr discussed Congress' rejection of Secretary of Defense Leon Panetta's proposal for another round of Base Reuse and Closure and the procedure for establishing the per diem rate. In response to Mr. Peterson's question, Mr. Houlemard noted that the per diem rate had been incorrectly reported by the Monterey County Herald.

5. CONSENT

a. July 13, 2012 FORA Board Meeting Minutes

MOTION: Mayor Edelen moved, seconded by Mayor Bachofner, and the motion passed unanimously to approve the July 13, 2012 Board meeting minutes as presented.

6. NEW BUSINESS

a. FORA Finance Committee Member Appointment

Chair Potter stated that Nick Chiulos was nominated and had accepted the appointment.

MOTION: Mayor Edelen moved, seconded by Councilmember Kampe, and the motion passed unanimously to appoint Nick Chiulos to the FORA Finance Committee.

b. Ex-Officio Representation on the FORA Executive Committee

Mr. Houlemard presented the item.

Mayor Bachofner opposed the item, stating that ex-officio representation on the Executive Committee was unnecessary due to the increased public comment and dialogue permitted at the committee level.

Supervisor Parker, Mayor Edelen, and Councilmember Oglesby spoke in support of the item. Chair Potter stated that the ability to participate in policy discussions and make motions was very different from opportunities afforded to the public. He commented that several ex-officio Board members supported the item. Congressman Farr stated that if CSUMB was satisfied with the proposal, as presented, the Board should support it. Dr. Garrison stated that the regional thinking required of educational institutions would benefit the Executive Committee.

LeVonne Stone, emphasized need for CSUMB to be inclusive.

Mayor Bachofner expressed concerns that approval of the item would lead to changes in the composition of the FORA board.

Justin Wellner, CSUMB, noted that ex-officio members already sit on several FORA committees.

MOTION: Mayor Burnett moved, seconded by Councilmember Selfridge, and the motion passed to amend Chapter 2, Article 2.03.020 of the FORA Master Resolution to add an ex-

officio non-voting member to the FORA Executive Committee, to be appointed from among the ex-officio Board members by the Board Chair on an annual basis.

7. OLD BUSINESS

a. Base Reuse Plan Reassessment - Overview Presentation and Update Regarding the Draft Scoping Report (to be circulated for Public Comment on Wednesday, August 15, 2012).

Assistant Executive Officer Steve Endsley stated that the draft Scoping Report would be released on August 15th and that the public would be given two weeks within which to submit comments for inclusion into the final Scoping Report. A Special Board meeting was scheduled for August 29th at 6:30 p.m. to receive public input regarding the document.

Michael Groves, EMC, provided background information regarding the Base Reuse Plan (BRP) Reassessment and described the process used to compile the Scoping Report. David Zehnder, EPS, discussed the Market and Economic Assessment and Richard James, EMC, provided information regarding the Reassessment Report.

Congressman Farr stated he was very impressed with the thoroughness of the report and presentation and discussed the importance of aesthetics to the base reuse.

Eric Peterson inquired as to a lawsuit brought against FORA by Keep Fort Ord Wild, which alleged a conflict of interest by EMC, and questioned its affect on the Reassessment.

LeVonne Stone requested that the Scoping Report address the problem of poverty in area.

Ron Cheshire stated the Scoping Report would be beneficial in helping the community move forward and cautioned the Board in their efforts to improve aesthetics.

Amy White, Landwatch, expressed concern that the public would not have enough time to read the report and submit their comments.

Ralph Rubio agreed with Congressman Farr regarding the importance of aesthetics.

A member of the public stated they hoped the Reassessment would not be the last time that FORA re-evaluated the BRP.

Reverend Lusk expressed concerns regarding the lack of employment opportunities on the peninsula.

Gail Morton, Fort Ord Rec Users, agreed that the time allowed for receiving public comments was insufficient.

Mayor Burnett asked whether comments received after the deadline would still be considered. Mr. Groves stated they would and that the September 4, 2012 deadline was only pertained to those comments included in the transmittal of the final Scoping Report to the Board. Comments submitted after September 4th would be provided in an addendum.

Chair Potter deemed the report received without exception.

8. CLOSED SESSION

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

- i. Keep Fort Ord Wild v. Fort Ord Reuse Authority, Case Number: M116438
- ii. Keep Fort Ord Wild v. Fort Ord Reuse Authority, Case Number: M114961
- ~~iii. The City of Marina v. Fort Ord Reuse Authority, Case Number: M118566~~
- b. Conference with Legal Counsel - Anticipated Litigation, Gov Code 54956.9(b) – One Case

Mr. Houlemard announced that Item 8aiii would not be heard.

The Board adjourned into closed session at 5:20 p.m. and convened into open session at 5:57 p.m.

9. ANNOUNCEMENT OF ACTION TAKEN IN CLOSED SESSION

Authority Counsel Jerry Bowden announced that the Board had instructed staff to proceed with an enforcement program to maintain security of the ESCA property.

Chair Potter recommended that, in order to reduce the length of the meeting, the Board continue consideration of Item 7c to the next Board meeting.

MOTION: Mayor Edelen moved, seconded by Mayor Donahue, and the motion passed unanimously to continue Item 7c to the September 14, 2012 Board meeting.

Agenda item 7 was resumed

b. Marina Coast Water District Water and Wastewater Rates, Fees and Charges and Resolution of Outstanding Issues

Mr. Endlsey addressed concerns raised by the Board at the July Board meetings regarding the Marina Coast Water District (MCWD) budget.

Carl Niizawa, MCWD, stated that lack of an approved operating budget prevented the District from moving forward with important new projects. Mr. Endsley discussed the terms of the agreement between FORA and MCWD.

LeVonne Stone suggested that any necessary revenue increases should be obtained from developers, not from ratepayers.

Chair Potter emphasized that in order for staff to resolve any outstanding issues with regards to approval of the MCWD budget, those Board members opposed to approval must clearly articulate their issues to staff.

Justin Wellner stated that CSUMB was concerned with the overburdening of the ratepayers and offered to meet with MCWD staff.

Chair Potter deemed the report received without exception.

~~c. Preston Park Fiscal Year 2012/13 CIP and Rates~~

~~Continued to September Board meeting.~~

d. Capital Improvement Program Review – Phase II Study

- i. **Adopt Resolution to Implement a Formulaic Approach to the FORA Development Fee Schedule and Communities Facilities District Special Tax Rates**
- ii. **Approve Amendment #1 to the FORA-Jurisdictions Implementation**

Agreements to Implement a Formulaic Approach

Mr. Endsley explained that per the Board's direction on July 13, 2012, staff had returned the item to the FORA Administrative Committee for further review. The Administrative Committee recommended approval of the item.

Councilmember Selfridge stated that John Arriaga had contacted her to discuss the item. Chair Potter acknowledged that others had also been contacted.

Supervisor Parker opposed the formulaic approach based on concerns regarding caretaker costs, water allocations, and the motivation for Board approval. Mr. Endsley stated that, once approved, the Board had the ability to revisit the item and modify the formula, if elements proved such would be required.

Mayor Burnett asked several questions regarding the relationship between the formulaic approach and the Phase II Study, which were responded to by David Zehnder of Economic and Planning Systems.

Councilmember Selfridge inquired as to how the process prevented favoritism towards one developer over another. Senior Planner Jonathan Garcia stated that each developer would pay the same rate and discussed the purpose for the biennial approach.

LeVonne Stone, inquired as to how the item would promote economic recovery.

MOTION: Mayor Edelen moved, seconded by Mayor Bachofner, to:

- i. Adopt a Resolution, which would implement a formulaic approach to establishing the Fort Ord Reuse Authority (FORA) Development Fee Schedule and Community Facilities District (CFD) Special Tax rates (Attachment A).**
- ii. Authorize the Executive Officer to execute Amendment #1 to the FORA-jurisdictions Implementation Agreements, which would codify the formulaic approach to establish the FORA Development Fee Schedule and CFD Special Tax rates (Attachment B).**
- iii. Schedule Board review of the formula implementation after one year.**

Mayor Burnett discussed the impact that adoption of the formula would have on FORA's ability to obtain grant funding. Mr. Houlemard discussed the improbability of future grant funding and described the OEA grant funding process.

Mayor Edelen stated that annual review of the item, if approved, would provide the opportunity to address issues as they arose. Mayor Pro-Tem O'Connell asked whether the Board could make substantial changes to the formula during their annual review. Mr. Houlemard discussed the various opportunities available for Board review of the formula and procedure.

VOTE: Ayes: Mayor Edelen, Chair Potter, Councilmember Oglesby, Councilmember brown, Mayor Pro-Tem O'Connell, Mayor Donahue, Councilmember Kampe, Mayor Pendergrass. Noes: Mayor Bachofner, Mayor Burnett, Councilmember Selfridge, Supervisor Parker. The Item did not receive unanimous approval and returns for a second vote at the next meeting.

10. EXECUTIVE OFFICER'S REPORT

- a. Outstanding Receivables
- b. Administrative Committee
- c. Water/Wastewater Oversight Committee
- d. Habitat Conservation Plan
- e. Naval Postgraduate School Program Prototype Base Reuse Program and FORA Staff Member Acceptance
- f. Report on Current Status of Outside Agency UXO Escorts Reimbursement Agreements
- g. Fort Ord Reuse Authority Fiscal Year 2011/12 Annual Report

Mr. Houlemard presented the Executive Officer's report.

11. ITEMS FROM MEMBERS

Councilmember Oglesby requested FORA staff provide information regarding the current Base Reuse Plan land use status of all four parcels intended for the veteran's cemetery at the September Board meeting. He expressed a desire for those parcels to be confirmed for their intended/designated use as soon as possible. Mayor Bachofner agreed.

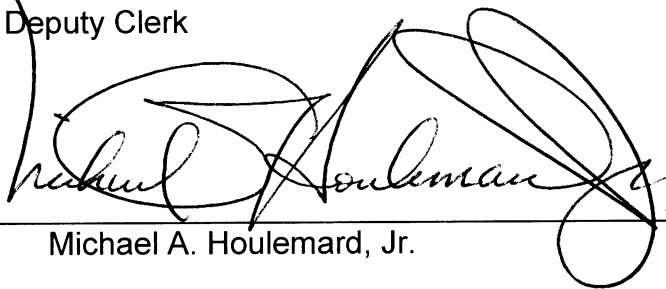
Mayor Bachofner announced that the American Cancer Society Relay for Life on August 11, 2012 in Seaside and asked staff to address Ralph Rubio's repeated inquiries regarding the economic impact of eco-tourism.

12. ADJOURNMENT

Chair (Potter) adjourned the meeting at 7:06 p.m.

Minutes prepared by Lena Spilman, Deputy Clerk

Approved by:



Michael A. Houlemard, Jr.