



Fort Ord Reuse Authority

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Minutes

Friday, March 15, 2013

Meeting of the Fort Ord Reuse Authority Board of Directors
910 2nd Ave, Marina (Carpenter's Union Hall)

APPROVED

1. CALL TO ORDER AND ROLL CALL

Chair Edelen called the meeting to order at 3:30 p.m.

Voting Members Present: (**alternates*)

Chair/Mayor Edelen (City of Del Rey Oaks)
Mayor Burnett (City of Carmel-by-the-Sea)
Mayor Gunter (City of Salinas)
Mayor Kampe (City of Pacific Grove)
Councilmember Morton (City of Marina)
Mayor ProTem O'Connell (City of Marina)
Mayor Pro-Tem Oglesby (City of Seaside)

Supervisor Parker (County of Monterey)
Mayor Pendergrass (City of Sand City)
Supervisor Potter (County of Monterey)
Mayor Rubio (City of Seaside)
Supervisor Salinas (County of Monterey)
Councilmember Selfridge (City of Monterey)

Voting Members Absent: none.

Ex-officio Board members present: Sonja Arndt (20th Congressional District), Assemblymember Stone (29th State Assembly District), Graham Bice (University of California), Eduardo Ochoa (California State University), Vicki Nakamura (Monterey Peninsula College), Dan Albert, Jr. (Monterey Peninsula Unified School District), Debbie Hale (Transportation Agency of Monterey County), Colonel Clark (U.S. Army), Bill Collins (Fort Ord BRAC Office), Director Thomas Moore (Marina Coast Water District).

2. CLOSED SESSION

The Board received comments from members of the public regarding closed session items and adjourned into closed session at 3:35 p.m.

a. Conference with Legal Counsel - Existing Litigation, Gov Code 54956.9(a) – 4 Cases

i. Keep Fort Ord Wild v. Fort Ord Reuse Authority, Case Numbers: M114961, M116438, M119217

ii. The City of Marina v. Fort Ord Reuse Authority, Case Number: M118566

b. Conference with Legal Counsel – Anticipated Litigation, Gov Code 54956.9(b) – 2 Cases

c. Public Employee Performance Evaluation – Authority Counsel, Gov Code 54957

3. ANNOUNCEMENT OF ACTION TAKEN IN CLOSED SESSION

The Board reconvened into open session at 4:10 p.m. Authority Counsel Jerry Bowden stated the Board had received reports from legal counsel on all closed sessions items. Under agenda item 1c, the Board approved a transfer of Authority Counsel title and responsibilities to Jon Giffen, Kennedy, Archer, and Giffen, to be accomplished within five months.

4. PLEDGE OF ALLEGIANCE

Mayor Pendergrass led the Pledge of Allegiance.

5. ACKNOWLEDGEMENTS, ANNOUNCEMENTS, AND CORRESPONDENCE

Chair Edelen announced that several Board members were unable to stay beyond 5:00 p.m. In order to ensure sufficient time to address all action items, the agenda would be considered out of order. He stated that item 7b would be considered at the end of item 7 and that the order of item 8a and 8b would be reversed.

a. May 2-3, 2013 Fort Ord Prevailing Wage Training Conference

Executive Officer Houlemard discussed the May 2 & 3, 2013 Fort Ord Prevailing Wage Training Conference.

6. CONSENT AGENDA

- a. Approval of the February 15, 2012 Board Meeting Minutes
- b. Approval of the February 22, 2012 Board Meeting Minutes

MOTION: Mayor Rubio moved, seconded by Mayor Pro-Tem O'Connell, to approve the consent calendar as presented

MOTION PASSED: Ayes: Edelen, Gunter, Kampe, Morton, O'Connell, Oglesby, Parker, Pendergrass, Potter, Rubio, Salinas, Selfridge. Abstain: Mayor Burnett abstained from voting on the February 15, 2013 Board minutes.

7. OLD BUSINESS

- a. **Conduct Executive Committee Member-at-Large Election**

Chair Edelen stated that the February 15, 2013 nominations of Supervisor Parker and Mayor Pendergrass for the position of Executive Committee Member-at-Large had resulted in a tie vote and a continuance to the next regular Board meeting. The Deputy Clerk was requested to perform a roll call vote.

ORIGINAL NOMINATION (Executive Committee Member-at-Large): Councilmember Oglesby moved, seconded by Mayor Rubio, to nominate Mayor Pendergrass to the position of Executive Committee Member-at-Large.

ELECTION: Pendergrass: Edelen, Gunter, Kampe, Oglesby, Pendergrass, Potter, Rubio, Salinas, Parker: O'Connell, Selfridge, Burnett, Morton, Parker.

ELECTION RESULTS: Mayor Pendergrass was elected by a majority to the position of Executive Committee Member-at-large.

- c. **Authorize the Executive Officer to Execute ICF International Contract Amendment #5**

Mr. Houlemard presented the item. The Board received questions and comments from members of the public, which were addressed by staff.

MOTION: Mayor Rubio moved, seconded by Mayor Gunter, to authorize the Executive Officer to execute ICF International Contract Amendment #5, not to exceed \$39,998 in additional budget authority.

MOTION PASSED: unanimous.

- d. **Consider FORA Expense Policies**

Controller Ivana Bednarik provided an overview of the policy development process and highlighted specific proposed policy changes. Mayor Kampe stated that the policies were a good representation of the Expense Reimbursement Subcommittee's recommendations.

MOTION: Councilmember Morton moved, seconded by Supervisor Parker, to adopt the policies with the following direction to staff: 1) amend Section A of the Travel Policy from 50 to 100 miles, 2) amend the "Processing Travel Reimbursement" section of the Travel Policy from "claims should be submitted with 14 days" to "claims must be submitted within 14 days," and 3) return the amended Travel Policy for review by the Board at the next Board meeting.

SUBSTITUTE MOTION: Supervisor Potter moved, seconded by Councilmember Morton, to refer the policies back to the Executive Committee for further refinement.

SUBSTITUTE MOTION PASSED: unanimous.

e. Base Reuse Plan Post-Reassessment Follow-Up

i. Reassessment Report "Category I" Text and Figure Corrections

ii. March 22, 2013 Board Workshop Agenda

Associate Planner Darren McBain presented the item. The Board received comments from members of the public and staff responded to questions from the Board.

MOTION: Mayor Burnett moved, seconded by Mayor Kampe, to direct staff to provide maps reflecting the current and proposed modifications under Category I for further Board consideration.

MOTION PASSED (2nd VOTE REQUIRED): Ayes: Edelen, Burnett, Kampe, Morton, O'Connell, Oglesby, Parker, Rubio, Salinas, Selfridge, Noes: Gunter, Pendergrass.

b. CIP Review – Phase II Study

i. Receive FORA Fees Formula Calculation Report

ii. Receive Draft Resolution to Implement Fee Adjustment

Chair Edelen announced that he needed to leave and passed the gavel to 1st Vice-Chair O'Connell.

MOTION: Mayor Pro-Tem Oglesby moved, seconded by Councilmember Morton, to continue the meeting to 6:00 p.m. and to immediately consider agenda items 8a and 8b.

MOTION PASSED: unanimous.

8. NEW BUSINESS

b. Fort Ord Reuse Authority Master Resolution Amendments

Mr. Bowden presented the item.

Jane Haines, Sierra Club, addressed the Board regarding the modifications to the Master Resolution and the Board received comments from other members of the public.

MOTION: Councilmember Selfridge moved, seconded by Supervisor Parker, to rescind all changes made in March 2010 to Chapter 8 of the Master Resolution.

MOTION PASSED: Ayes: Burnett, Gunter, Morton, O'Connell, Oglesby, Parker, Rubio, Selfridge. Abstain: Kampe.

MOTION: Councilmember Morton moved, seconded by Mayor Pro-Tem Oglesby, to extend the meeting to 6:15 p.m.

MOTION PASSED: Ayes: Burnett, Morton, O'Connell, Oglesby, Parker, Selfridge. Noes: Gunter, Kampe, Pendergrass.

MOTION: Supervisor Parker moved, seconded by Councilmember Selfridge, to delete the highlighted language [Section 8.02.020(t) and Section 8.02.030(a)(8)] from Chapter 8 of the Master Resolution.

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER: Direct staff to provide the Sierra Club notice of intent to restore the highlighted language [Section 8.02.020(t) and Section 8.02.030(a)(8)].

MOTION WITHDRAWN: Supervisor Parker withdrew her motion.

MOTION: Supervisor Parker moved, seconded by Councilmember Selfridge, that the item be continued to the April Board meeting with a clear delineation from staff as to the proper process for moving forward with respect to the Sierra Club Settlement Agreement.

MOTION PASSED: unanimous.

MOTION: Mayor Pro-Tem O'Connell moved, seconded by Mayor Burnett, to extend the meeting until the Board finished agenda item 8a and item 9 or until 6:45 p.m., whichever comes first.

MOTION PASSED: Ayes: Burnett, Morton, Oglesby, O'Connell, Parker, Pendergrass, Rubio.
Noes: Gunter, Selfridge.

a. Consistency Determination: Seaside Local Coastal Program

Mr. McBain presented the item. Lisa Brinton, City of Seaside, provided an overview of the Seaside Local Coastal Program. The Board received comments from members of the public and Assistant Executive Officer Steve Endsley addressed questions from the public and Board.

MOTION: Mayor Rubio moved, seconded by Mayor Burnett, to approve Resolution 13-XX, concurring in the City of Seaside's legislative land use decision that the Seaside Local Coastal Program is consistent with the Fort Ord Base Reuse Plan, deleting "as with previous legislative consistency determinations" from section 4.

MOTION PASSED: unanimous

9. PUBLIC COMMENT PERIOD

The Board received comments from members of the public.

MOTION: Mayor Burnett moved, seconded by Councilmember Selfridge, to extend the meeting to 7:00 p.m. or to the completion of public comment.

MOTION PASSED: unanimous.

10. EXECUTIVE OFFICER'S REPORT

- a. Outstanding Receivables
- b. Administrative Committee
- c. Water and Wastewater Oversight Committee
- d. Habitat Conservation Plan Update
- e. Travel Report
- f. Public Correspondence to the Board

The Board did not discuss these items.

11. ITEMS FROM MEMBERS

None.

12. ADJOURNMENT

Vice-Chair O'Connell adjourned the meeting at 6:53 p.m. in memory of Santa Cruz Police Officers Butch Baker and Elizabeth Butler.

Minutes prepared by Lena Spilman, Deputy Clerk

Approved by: _____

Michael A. Houlemard, Jr.