



FORT ORD REUSE AUTHORITY
BOARD OF DIRECTORS REGULAR MEETING MINUTES
2:00 p.m., Friday, June 9, 2017 | Carpenters Union Hall
910 2nd Avenue, Marina, CA 93933

1. CALL TO ORDER

Chair Rubio called the meeting to order at 2:00 p.m.

2. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Supervisor Councilmember David Brown

3. CLOSED SESSION

- a. Conference with Legal Counsel – Gov. Code 54956.9(a): Keep Fort Ord Wild v. Fort Ord Reuse Authority, Monterey County Superior Court, Case No.:M114961
- b. Conference with Legal Counsel – Gov. Code 54956.9(a): Successor Agency of the Redevelopment Agency of the County of Monterey v. California Department of Finance, et al. Fort Ord Reuse Authority Real Party in Interest, County of Sacramento Superior Court, case No.: 34-2016-80002403
- c. Public Employment, Gov. Code 54959.7(b) – Executive Officer Evaluation

The Board entered closed session at 2:02 p.m. and resumed open session at 2:44 p.m.

4. ANNOUNCEMENT OF ACTION TAKEN IN CLOSED SESSION

Authority Counsel, Jon Giffen announced action was taken on item 3a in closed session.

5. ROLL CALL

Voting Members Present:

Supervisor Jane Parker (Monterey County), Mayor Ralph Rubio (City of Seaside), Supervisor John Philips (Monterey County), Councilmember Dennis Alexander (City of Seaside), Mayor Mary Ann Carbone (City of Sand City), Mayor Jerry Edelen (City of Del Rey Oaks), Mayor Joe Gunter (City of Salinas), Councilmember Frank O'Connell (City of Marina), Councilmember Cynthia Garfield (City of Pacific Grove), Councilmember David Brown (City of Marina), Councilmember Jan Reimers (City of Carmel-by-the-sea), Councilmember Alan Haffa (City of Monterey)

Ex-officio (Non-Voting) Board Members Present:

Donna Blitzer (UCSC), Dr. Eduardo Ochoa (CSUMB), Bill Collins (Ft Ord BRAC Office), Michelle Overmeyer (MST), Dr. Thomas Moore (MCWD), Colonel Lawrence Brown (US Army), Bill Collins (BRAC), Anthony Musa (20th Congressional District), Nicole Charles (17th State District Senator Monning), Erica Parker (29th State Assembly member Stone), Vicki Nakamura (MPC)

Absent:

Dr. PK Diffenbaugh (MPUSD), Supervisor Mary Adams (Monterey County), Councilmember Gail Morton (City of Marina), Debbie Hale (TAMC)

6. ACKNOWLEDGEMENTS, ANNOUNCEMENTS, AND CORRESPONDENCE

Chair Rubio reminded the Board to respond to the availability poll for the proposed workshop on July 26, 2017 at 9:30 a.m. or 1:30 p.m. Michael Houlemard, Executive Officer, informed the Board and public of the Notification for Explosive Disposal Operations in Seaside by the FORA ESCA Remediation Program Team. They will be conducting demolition operations of four (4) Cartridge, 40mm, Practice, M781. The detonation will be conducted at a location southwest of the intersection of the Blue Line Rd. and Watkins Gate Rd. and will occur on the morning of June 13, 2017, between 0900 hours and 1200 hours.

Mr. Houlemard requested an emergency item be added to the agenda – Resolution acknowledging Donna Blitzer.

Motion: On motion by Board member Jane Parker and second by Board member Frank O'Connell and carried by the following vote, the Board moved to add to the item to the agenda and also approved "Resolution Acknowledging Donna Blitzer".

There were no comments received from the public.

MOTION PASSED UNANIMOUSLY

Mr. Houlemard read the resolution and Ms. Blitzer had comments. Chair Rubio thanked Ms. Blitzer for her service.

7. CONSENT AGENDA

Mr. Houlemard reviewed the following consent agenda items: 7a – the revised version was provided to the Board and public for review. Authority Counsel, Jon Giffen, advised the Board that comments were received shortly before the meeting on item 7i and recommended the Board move forward with considering/voting on the resolution with the exclusion of the recommendation "to direct FORA staff to continue with the environmental review process for the Eastside Parkway project" to remain in compliance with the settlement agreement. Mr. Houlemard clarified that item 7j are for contract term extensions and do not have budget impacts.

- a. Approve May 12, 2017 Board Meeting Minutes
- b. Administrative Committee

- c. Veterans Issues Advisory Committee
- d. Transition Task Force - Update
- e. Legislative Support Update
- f. Public Correspondence to the Board
- g. Executive Officer Travel Report
- h. Transaction Worksheet Reporting
- i. Adopt Resolution Rescinding June 2011 Memorandum of Understanding Approval
- j. Approve Contract Term Extensions
 - i. Denise Duffy & Associates, Oak Woodland Conservation Planning Professional Services Agreement
 - ii. Transportation Agency of Monterey County Reimbursement Agreement
 - iii. Michael Baker International Inc., Professional Services Agreement

Motion: On motion by Board member Phillips and second by Board member Gunter and carried by the following vote, the Board moved to approve the consent agenda items with the aforementioned corrections and information for items 7a and 7i.

There were no comments received from the public.

MOTION PASSED UNANIMOUSLY

8. BUSINESS ITEM

- a. Approve Proposed 3% Cost of Living Adjustment - 2d Vote
The Board provided comments on the item.

Motion: On motion by Board member Gunter and second by Board member Phillips and carried by the following vote, the Board moved to approve the 3% Cost of Living Adjustment.

There were no comments received from the public.

Ayes: Phillips, Edelen, Haffa, Alexander, Carbone, Gunter, Reimers, Rubio
Noes: Parker, O'Connell, Brown, Garfield

MOTION PASSED

- b. Capital Improvement Program
 - i. 2017 Fee Reallocation Study - 2d Vote

There were no comments from the Board or public. Mr. Houlemard restated the motion for the second vote.

Motion: On motion by Board member Phillips and second by Board member Gunter and carried by the following vote, the Board moved to approve option B "fund local transportation projects first" for use as the updated CIP transportation baseline in the 2017 FORA Fee Reallocation Study and accept the 2017 FORA Fee Reallocation Study prepared by Transportation Agency for Monterey County (TAMC).

Ayes: Parker, Phillips, Edelen, Haffa, Alexander, Carbone, Gunter, Reimers, Rubio, Brown, Garfield

Noes: O'Connell

MOTION PASSED

ii. Adopt 2017 Biennial Fee Review Resolution

Peter Said, Project Manager, presented the item and provided information on the biennial fee calculation, background and process. Staff recommended the Board approve resolution 17-xx to implement a Community Facilities District (CFD) Special Tax and Base-wide Development Fee adjustment in the amount of 0.8%. This amount is a result of the formulaic approach. The CFD automatically indexes by the CCI on July 1st in the event the Board does not take action.

The Board and public provided comments, to which staff responded.

Motion: On motion by Board member Gunter and second by Board member Phillips and carried by the following vote, the Board moved to approve resolution 17-xx to implement a Community Facilities District (CFD) Special Tax and Base-wide Development Fee adjustment in the amount of 0.8%

MOTION PASSED UNANIMOUSLY

c. Endorse Marina Coast Water District (MCWD) as Groundwater Sustainability Agency (GSA)

Jonathan Brinkmann, Principal Planner, presented the item and provided information regarding the Board's request for Authority Counsel to review the legal issues surrounding the potential FORA endorsement of MCWD as GSA. Staff recommended that the Board choose an option to pursue:

- i. Consider MCWD's Fort Ord GSA endorsement request
- ii. Consider authorizing the Executive Officer to transmit a letter endorsing MCWD as the GSA or;
- iii. Consider endorsing a statement of principles for former Fort Ord groundwater resource.

Mr. Giffen advised the Board of findings after further legal review and indicated that there is nothing that precludes the Board from endorsing this action, however there may be political or other considerations that the Board may or may not find palatable.

Chair Rubio advised the Board of the option to do nothing in regards to the GSA and that despite the outcome of the GSA dispute, MCWD is under contract to provide water to the Ord Community until 2020.

The Board and public provided comments, to which staff responded. The Board pursued action through roll call voting.

1st Motion: On motion by Board member Edelen and second by Board member Phillips (with comments) to do nothing (in regards to endorsing MCWD as the GSA). The Board provided comments.

Authority Counsel responded to a Board members inquiry as to whether it would be necessary for Board member Joe Gunter to recuse himself from the voting due to his position on the Salinas Valley Basin GSA (SVB). The SVB GSA is the entity in which has also submitted a Notice of Intent to the Department of Water Resources. Mr. Giffen indicated that it is recognized that FORA is a regional body and Board member Gunter would not have to recuse himself from this item.

1st Substitute Motion: On motion by Board member O'Connell and second by Board member Brown to accept the MCWD endorsement request to be the GSA for the former Fort Ord and authorize the Executive Officer to transmit a letter endorsing MCWD as the GSA for the former Fort Ord. Roll call vote was requested.

The Board provided comments on the 1st substitute motion. Board member Parker entreated the Board to consider a third option with a second substitute motion.

2nd Substitute Motion: On motion by Board member Parker and second by Board member Haffa with direction for FORA to write a letter supporting MCWD as the GSA and also send the letter of principles to the SVB GSA.

The Board provided comments on the 2nd substitute motion.

Roll Call Vote on the 2nd Substitute Motion: Motion Fails; 4 Ayes, 8 Noes

Roll Call Vote on the 1st Substitute Motion: Motion Fails; 4 Ayes, 8 Noes

After the 1st and 2nd substitute motions failed, another substitute motion was made to the original motion.

Substitute Motion: On motion by Board member Ochoa and second by Board member Haffa with direction for FORA to send the statement of principles to both SVB and MCWD with a cover letter that would be reviewed by the Board at the July 14 Board meeting. This letter would not include an endorsement for a GSA.

The Board provided comments on the substitute motion. The Board requested staff to bring back a draft cover letter that would be sent with the statement of principles.

Roll Call Vote on the Substitute Motion: Motion Passed Unanimously.

9. PUBLIC COMMENT

Comments were received from the public.

10. ITEMS FROM MEMBERS

Board member Moore informed the Board and public that the MCWD presentation regarding the GSA would be available at http://www.mcwd.org/about_gsa.html.

Chair Rubio thanked Donna Blitzer for her service to the public and FORA.

11. ADJOURNMENT at 4:25 p.m.