



Fort Ord Reuse Authority

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Minutes

Friday, February 15, 2013

Workshop/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

Vice-Chair Edelen called the meeting to order at 1:35 p.m.

Voting Members Present: (*alternates)

Mayor Edelen (City of Del Rey Oaks)	Mayor Kampe (City of Pacific Grove)
Mayor ProTem O'Connell (City of Marina)	Mayor Gunter (City of Salinas)
Councilmember Morton (City of Marina)	Mayor Pendergrass (City of Sand City)
Councilmember Beach (City of Carmel-by-the-Sea)*	Mayor Rubio (City of Seaside)
Supervisor Parker (County of Monterey)	Mayor Pro-Tem Oglesby (City of Seaside)

Voting Members Absent:

Chair/Supervisor Potter (County of Monterey)
Councilmember Selfridge (City of Monterey) *joined the meeting after roll call*
Supervisor Salinas (County of Monterey) *joined the meeting after roll call*

The following ex-officio Board members were present: Congressman Sam Farr (20th Congressional District), Nicole Charles (15th State Senate District), Assemblymember Mark Stone (29th State Assembly District), Andre Lewis (California State University), Vicki Nakamura (Monterey Peninsula College), Dan Albert, Jr. (Monterey Peninsula School District), Debbie Hale (Transportation Agency of Monterey County), Pamela Von Ness (Unites States Army), Bill Collins (Fort Ord BRAC Office), Director Thomas Moore (Marina Coast Water District).

Congressman Farr discussed FORA's accomplishments for the 2012 calendar year and the challenges that lie ahead for 2013.

2. BOARD WORKSHOP POST-REASSESSMENT POLICY OPTIONS

Vice-Chair Edelen introduced the public workshop, noting that members of the public would have an opportunity to address the Board regarding the item. He stated that due to concerns raised about the absence of public comment during the elections conducted at the January Board meeting, the elections had been considered void and would be repeated later in the meeting. Vice-Chair Edelen explained that Supervisor Potter was still the Board Chair and that he was presiding over the meeting in his capacity as Vice-Chair.

a. Overview of Fort Ord Reuse Plan implementation and workshop goals; proposed "ground rules" for today's workshop – primary conversation focused on FORA Board members

Executive Officer Michael Houlemard provided an overview of the Base Reuse Plan and the post-Reassessment process. He briefly discussed the goals of the Board workshop and introduced the workshop Moderator, Scott McCreary. Mr. McCreary, CONCUR, presented protocols for the Board workshop.

b. Identify/discuss policy implementation factors (cost, timing, prioritization, etc.)

c. Board workshop on potential actions arising from policy-item Categories I and II of the Base Reuse Plan (BRP) 2012 Reassessment Report. Provide early direction to implement or take action on other specific potential options for BRP modifications that do not require CEQA actions, significant staff resources, or Board deliberation. Objective: Identify concrete next steps for-

Category I: BRP Text and Figure Corrections (Typographical Errors, Minor Clarifications, etc.)

Category II:

- i. **BRP Land Use Concept Map modifications based on prior FORA Board consistency determinations (map “republication” based on prior approvals)**
- ii. **Modifications based on other previous Board actions;**
- iii. **Circulation-related map, text, and Capital Improvement Program modifications; and**
- iv. **Modifications for consistency with regional and local plans.**

The Board discussed the development of a staff work plan for completion of the Category II items, to be presented to the Board. The Board received comments from members of the public.

MOTION: The Board directed staff to 1) bring back a red-line document showing all text and figure corrections from Category I for consideration at the next Board meeting, 2) provide the Board with the sections of the BRP that reflect the original visioning.

MOTION PASSED: Ayes: Edelen, O’Connell, Morton, Beach, Parker, Kampe, Gunter, Pendergrass, Rubio, Oglesby, Salinas Abstain: Selfridge

3. CLOSED SESSION

The Board convened into closed session at 3:30 p.m. Vice-Chair Edelen invited public comments and none were received.

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

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

4. ANNOUNCEMENT OF ACTION TAKEN IN CLOSED SESSION

The Board reconvened into open session at 4:23 p.m. Vice-Chair Edelen introduced Special Legal Counsel Jon Giffen. Mr. Giffen stated that the Board had received reports from legal counsel on all closed sessions items and had not taken any reportable action.

Vice-Chair Edelen repeated his previous comments regarding the January 11, 2013 election of Board officers.

5. PLEDGE OF ALLEGIANCE

Councilmember Morton led the Pledge of Allegiance.

6. ACKNOWLEDGEMENTS, ANNOUNCEMENTS, AND CORRESPONDENCE

None

7. CONSENT AGENDA

a. Approval of the January 11, 2012 Board Meeting Minutes

Councilmember Morton asked that the minutes be amended to reflect the replacement of her name for Councilmember Brown’s, as he had not been present at the January meeting. Councilmember Beach asked that the minutes be amended to replace “Councilmember Burnett” with “Mayor Burnett.”

MOTION: Mayor Rubio moved, seconded by Mayor Pro-Tem Oglesby, to approve the minutes as amended.

MOTION PASSED: unanimous.

8. OLD BUSINESS

a. Elect 2013 Fort Ord Reuse Authority Board Officers

i. Receive Nominating Committee Report

Mayor Kampe summarized the deliberative process used by the Nominating Committee at their January 6, 2013 meeting.

ii. Conduct Election

The Board received comments from members of the public.

MOTION: Councilmember Beach moved, seconded by Supervisor Parker, to approve the Nominating Committee's recommended slate, replacing Mayor Rubio with Supervisor Parker to serve as 2nd Vice-Chair.

SUBSTITUTE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER: consider nominations one office at a time, rather than as a slate.

SUBSTITUTE MOTION PASSED: Ayes: Parker, Oglesby, Morton, Beach, Selfridge, O'Connell, Kampe. Noes: Rubio, Salinas, Gunter, Pendergrass, Edelen

NOMINATION (Chair): Supervisor Parker moved, seconded by Mayor Kampe, to nominate Mayor Edelen to the position of Chair.

ELECTION: unanimously approved.

NOMINATION (1st Vice-Chair): Councilmember Morton moved, seconded by Mayor Kampe, to nominate Mayor Pro-Tem O'Connell to the position of 1st Vice-Chair.

ELECTION: unanimously approved.

NOMINATION (2nd Vice-Chair): Councilmember Beach moved, seconded by Councilmember Selfridge, to nominate Supervisor Parker to the position of 2nd Vice-Chair.

NOMINATION (2nd Vice-Chair): Supervisor Salinas moved, seconded by Mayor Pro-Tem Oglesby, to nominate Mayor Rubio to the position of 2nd Vice-Chair.

ELECTION: Rubio: Kampe, Salinas, Gunter, Rubio, Pendergrass, Edelen, Oglesby. Parker: O'Connell, Selfridge, Beach, Morton, Parker. **Mayor Rubio elected by a majority to the position of 2nd Vice-Chair.**

NOMINATION (Executive Committee Past Chair): Mayor Kampe moved, seconded by Mayor Pro-Tem Oglesby, to nominate Supervisor Potter to the position of Past Chair on the Executive Committee.

ELECTION: unanimously approved.

NOMINATION (Executive Committee Member-at-Large): Councilmember Morton moved, seconded by Councilmember Selfridge, to nominate Supervisor Parker to the position of Executive Committee Member-at-Large.

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

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

Chair Edelen stated that due to the tie vote, the election of Executive Committee Member-at-Large would be continued to the next Board meeting.

b. Capital Improvement Program Review – Phase II Study

- i. **Adopt a Resolution to Reinstate the Original Formulaic Approach Language in Resolution 12-5, Adopted on August 29, 2012**
- ii. **Authorize the Execution of Amendment #1 to the Implementation Agreements to Reinstate the Original Formulaic Approach Language Approved on August 29, 2012**

Senior Planner Jonathan Garcia presented the item. The Committee discussed the item and received comments from members of the public.

MOTION: Supervisor Parker moved, seconded by Councilmember Selfridge, to uphold Resolution 13-02.

MOTION FAILED: Aye: Parker. Noe: Edelen, Oglesby, O'Connell, Rubio, Pendergrass, Gunter, Kampe, Morton, Beach, Selfridge, Salinas.

MOTION: Supervisor Salinas moved, seconded by Mayor Pro-Tem O'Connell to: 1) Adopt a resolution to reinstate the original formulaic approach language in resolution 12-5, adopted on August 29, 2013, 2) Authorize the execution of amendment #1 to the Implementation Agreements to reinstate the original formulaic approach language approved on August 29, 2012.

MOTION PASSED (2ND VOTE REQUIRED): Aye: Edelen, Oglesby, O'Connell, Rubio, Pendergrass, Gunter, Kampe, Morton, Beach, Selfridge, Salinas. Noe: Parker.

Chair Edelen announced that, at the request of the City of Marina, a special Board meeting would be scheduled to consider a second vote on the item.

MOTION: Mayor Pro-Tem Oglesby moved, seconded by Supervisor Parker, to extend the meeting to 6:00 p.m.

MOTION PASSED: unanimous.

c. Approve Preston Park Management Contract with Alliance (2nd Vote)

Principal Analyst Robert Norris addressed concerns raised by a member of the public at the previous Board meeting regarding Alliance's management of Preston Park. Alliance representative, Annette Thurman, reviewed Alliance's responses to the concerns raised.

Mayor Pro-Tem Oglesby asked the record reflect his concerns regarding the amount of Alliance's credit card processing fee and the absence of a timeline for creation of resident handbook. Councilmember Selfridge asked that the FORA Board be informed of the quarterly meetings with the Tenant's Association.

ORIGINAL MOTION (January 11, 2013 Board meeting): Supervisor Potter moved, seconded by Mayor Pro-Tem Oglesby, to 1) authorize the Executive Officer to execute a new Alliance/FORA Preston Park Management Agreement, and 2) approve and direct staff to follow up on complaints voiced by a member of the public and report back next month.

2nd VOTE – MOTION PASSED: Aye: Kampe, Gunter, Rubio, Pendergrass, Edelen, Oglesby Noe: O'Connell, Selfridge, Morton, Parker.

9. NEW BUSINESS

a. FORA Mid-Year Budget

Mr. Houlemard reviewed the FY 2012-13 mid-year budget.

MOTION: Supervisor Parker moved, seconded by Councilmember Morton, to receive the FY 12-13 Fort Ord Reuse Authority (FORA) Operating Budget mid-year status report and approve additional expenditures as noted and recommended by the Finance Committee.

MOTION PASSED: unanimous

MOTION: Mayor Pro-Tem Oglesby moved, seconded by Supervisor Parker, to extend the meeting to 6:20 p.m.

MOTION PASSED: unanimous.

Chair Edelen stated that due to limited time left in the meeting, the Board would receive public comment out of agenda order.

10. PUBLIC COMMENT PERIOD

Board received comments from members of the public.

(Item 9 continued)

b. FY 2011-2012 Annual Financial Audit

Mr. Houlemard provided an overview of the FY 2011-13 Annual Financial Report, noting that all findings had either already been implemented by FORA staff or were in the process of being implemented. He stated that the FORA Expense Reimbursement Policy would be presented to the Board at their next regular meeting.

Mayor Kampe, Finance Committee Chair, reported on the Finance Committee's review of the Report.

MOTION: Mayor Rubio moved, seconded by Councilmember Selfridge, to accept the Moss, Levy & Hartzheim, Certified Public Accountants (Auditor) Fort Ord Reuse Authority (FORA) Fiscal Year 11-12 Annual Financial Report (Audit Report).

MOTION PASSED: unanimous.

c. Confirm 2013 Chair Appointments to Fort Ord Reuse Authority Committees

Mayor Edelen presented his recommended appointments.

MOTION: Supervisor Parker moved, seconded by Mayor Rubio, to confirm FORA Board of Directors Chair Edelen's 2013 appointments to the Finance Committee and the Legislative Committee.

MOTION PASSED: unanimous.

11. EXECUTIVE OFFICER'S REPORT

a. Outstanding Receivables

b. Administrative Committee

c. Finance Committee

d. Habitat Conservation Plan Update

e. Travel Report

f. Fort Ord Reuse Authority Veterans Issues Advisory Committee Appointments

g. Public Correspondence to the Board

Mr. Houlemard presented the item, specifically discussing recent meetings attended in Sacramento and Chair Edelen's appointments to the Veteran's Issues Advisory Committee. He stated that although originally presented as *ad-hoc* committee, the Veteran's Issues Advisory Committee (VIAC) had been redefined as a standing committee and was thus subject to the Ralph M. Brown Act. Mr. Houlemard also noted that VIAC member Tom Griffin's anticipated retirement might necessitate a membership modification at some point in the future.

12. ITEMS FROM MEMBERS

None

13. ADJOURNMENT

Chair Edelen adjourned meeting at 6:23

Minutes prepared by Lena Spilman, Deputy Clerk

Approved by: _____

Michael A. Houlemard, Jr.

