



# FORT ORD REUSE AUTHORITY

## BOARD OF DIRECTORS SPECIAL MEETING MINUTES

2:00 p.m. - Friday, May 10, 2013

910 2<sup>nd</sup> Avenue, Marina, CA 93933 (Carpenter's Union Hall)

**APPROVED**

### 1. CALL TO ORDER AND ROLL CALL

Chair Edelen called the meeting to order at 2:02 p.m.

### 2. CLOSED SESSION

- a. Conference with Legal Counsel - Existing Litigation, Gov Code 54956.9(a) – Five Cases
  - i. Keep Fort Ord Wild v. Fort Ord Reuse Authority, Case Numbers: M114961, M116438, M119217
  - ii. Bogan v. Houlemard, Case Number: M122980
  - iii. The City of Marina v. Fort Ord Reuse Authority, Case Number: M118566
- b. Public Employee Performance Evaluation – Executive Officer (Gov Code 54957)

The Board adjourned into closed session at 2:03 p.m. and reconvened into open session at 2:53 p.m.

### 3. ANNOUNCEMENT OF ACTION TAKEN IN CLOSED SESSION

Authority Counsel Jon Giffen announced that the Board had voted to retain Kennedy, Archer and Giffen to represent FORA in case number M122980 and authorized the Executive Officer to retain an election law specialist to provide legal consulting services for two anticipated ballot measures, provided a copy of the contract be distributed to the Board.

### ROLL CALL

A roll call was conducted by the Deputy Clerk and a quorum was confirmed.

### Voting Members Present: (\*alternates)

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

Voting Members Absent: Supervisor Potter (County of Monterey)

Ex-officio (Non-Voting) Board Members Present: Nicole Charles (17<sup>th</sup> State Senate District), Erica Parker (29<sup>th</sup> State Assembly District), Graham Bice (University of California), Andre Lewis (California State University), Vicki Nakamura (Monterey Peninsula College), Hunter Harvath (Monterey-Salinas Transit), Colonel Clark (U.S. Army), Bill Collins (Fort Ord BRAC Office), Director Thomas Moore (Marina Coast Water District).

### 4. PLEDGE OF ALLEGIANCE

Mayor Pendergrass led the Pledge of Allegiance.

### 5. ACKNOWLEDGEMENTS, ANNOUNCEMENTS, AND CORRESPONDENCE

- a. April 25, 2013 Letter from California Department of Toxic Substances Control (DTSC) regarding California Central Coast Veterans Cemetery Site Remediation  
Executive Officer Houlemard briefly discussed the letter from DTSC included in the Board packet.

## 6. CONSENT AGENDA

- a. April 12, 2013 Board Meeting Minutes
- ~~b. Amend Master Resolution Section 2.01.020(b) to Permit Ex-Officio Participation in Closed Session~~
- ~~c. Continuance of Current Marina Coast Water District Water and Wastewater Systems Rates, Fees and Charges~~
- d. Concur in Legislative Committee Recommended Positions on State Legislation
- e. Concur in Legislative Committee Amendments to 2013 Legislative Agenda
- f. Authorize Letters of Support for Assembly Bills 229 and 1080

Mayor Kampe requested item 6b be pulled from the Consent Agenda and Director Moore requested item 6c be pulled from the Consent Agenda.

MOTION: Mayor Rubio moved, seconded by Mayor Pro-Tem O'Connell, to approve the Consent Agenda, as amended.

MOTION PASSED: unanimous.

### 6b. Amend Master Resolution Section 2.01.020(b) to Permit Ex-Officio Participation in Closed Session

Mayor Kampe expressed concern that an increased number of individuals participating in closed session might hinder effective decision making. The Board discussed the item and received comments from the members of the public.

MOTION: Mayor Rubio moved, seconded by Mayor Kampe, to amend the Master Resolution to: 1) delete text from §2.01.020 to that prohibits ex-officio members from participation in Board/Committee closed session meetings, 2) add text to §2.02.030 permitting one ex-officio non-voting Board member to participate in Board/Committee closed session meetings (appointed per §2.03.020), and 3) add text to §2.03.020 permitting currently appointed ex-officio non-voting member to participate in Executive Committee closed session meetings.

MOTION PASSED: unanimous.

### 6c. Continuance of Current Marina Coast Water District (MCWD) Water and Wastewater Systems Rates, Fees and Charges

Director Moore stated that the MCWD rates would continue without an action from the FORA Board and requested that the Board postpone approval of the MCWD budget until completion of the rate study, which was anticipated for August.

MOTION: Mayor Kampe moved, seconded by Councilmember Morton, to table the item.

MOTION PASSED: unanimous.

## 7. OLD BUSINESS

### a. Denise Duffy & Associates Contract Amendment #7

Mr. Houlemard presented the item, noting that the amendment had been anticipated in the FY 2012-13 budget.

MOTION: Mayor Rubio moved, seconded by Mayor Gunter, to authorize the Executive Officer to execute contract amendment #7 with Denise Duffy & Associates for completion of additional California Tiger Salamander analysis required by the California Department of Fish and Wildlife and completion of 2<sup>nd</sup> Administrative and Screencheck Drafts of the Draft Habitat Conservation Plan Environmental Impact Statement/Environmental Impact Report, not to exceed \$109,945.

MOTION: unanimous.

**b. Base Reuse Plan Post-Reassessment Follow-up: "Category I"**

Mr. Houlemard provided an overview of the Post-Reassessment Advisory Committee's (PRAC) recommendations for textual edits and transfer of items from Category I to Category IV for further discussion. He stated that the PRAC had developed a set of guidelines for correcting and updating maps and figures, intended for utilization in a future republishing of the Base Reuse Plan (BRP). Mr. Houlemard also provided a Category IV status report and confirmed the next PRAC meeting would be held May 20, 2013 at 1:30 p.m. The Board received comments from members of the public.

MOTION: Mayor Kampe moved, seconded by Supervisor Parker, to: 1) incorporate the PRAC recommendations regarding Reassessment Report "Category I" text corrections into a future BRP compilation/republication, 2) incorporate the PRAC Category I BRP figure-related recommendations into a future BRP compilation/republication work program, and 3) include in Attachment A an additional Category I text edit related to BRP Polygon 17A, 4) incorporate all changes into a draft BRP, subject to future Board approval.

MOTION PASSED: unanimous

**c. Capital Improvement Program Review – Phase II Study**

**i. Receive Report Regarding Fee Formula Calculation from EPS**

**ii. Approve Draft Resolution to Implement Fee Adjustment**

**MH introduced David Zehnder, who provided a PowerPoint presentation.**

Mayor Burnett left at 3:41 p.m.

Mr. Houlemard presented the item and David Zehnder, Economic and Planning Systems (EPS), answered questions from members of the Board. The Board received comments from members of the public.

Supervisor Salinas left at 4:00 p.m.

MOTION: Mayor Pro-Tem O'Connell moved, seconded by Councilmember Morton, to receive the report and to adopt the draft fee calculation, as presented to the Board on April 12, 2013.

MOTION FAILED: Ayes: O'Connell, Morton, Parker. Noes: Selfridge, Oglesby, Edelen, Rubio, Pendergrass, Gunter, Kampe.

MOTION: Mayor Pro-Tem O'Connell moved, seconded by Mayor Rubio, to: 1) receive the report on the FORA Fee Formula Calculation from EPS (FORA Phase II Review Discussion Tables, Attachment A) and (FORA Phase II Review PowerPoint, Attachment B), and 2) adopt draft Resolution 13-XX to implement the FORA Community Facilities District (CFD) Special Tax and Base-wide Development Fee adjustment (Attachment C).

MOTION PASSED: unanimous.

MOTION: Mayor Pro-Tem O'Connell moved, seconded by Supervisor Parker, to continue the meeting past 5:00 p.m., to no later than 5:30 p.m.

MOTION PASSED: unanimous.

**8. NEW BUSINESS**

**a. FY 2013-14 Capital Improvement Program (CIP)**

Assistant Executive Officer Steve Endsley presented an overview of the Capital Improvement Program.

Hunter Harvath requested that funds be set aside in the current CIP for the purchase of mini-buses to address current demand for public transportation on the former Fort Ord.

MOTION: Mayor Kampe moved, seconded by Mayor Rubio, to extend the meeting to 6:00 p.m.

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

MOTION: Mayor Rubio moved, seconded by Mayor Pro-Tem Oglesby, to receive the report.

MOTION PASSED: unanimous.

**b. FORA FY 2013-14 Preliminary Budget**

Mr. Houlemard provided an overview of the preliminary FY 2013-14 budget.

MOTION: Supervisor Parker moved, seconded by Councilmember Morton, to receive report.

MOTION PASSED: Unanimous.

**c. Contract to Perform Election Services**

Mr. Houlemard explained that FORA could be obligated to perform duties associated with their role as a district for two filed initiatives prior to the next Board meeting and requested authority to enter into a contract with the appropriate entity to perform election services.

MOTION: Supervisor Parker moved, seconded by Mayor Kampe, to authorize staff to proceed with development of a contract with the County of Monterey Elections Department or an elections consultant to perform verification of signatures in connection with two filed initiatives and to direct staff to present the contract to the Board at a special Board meeting.

MOTION: unanimous.

MOTION: Mayor Pro-Tem Oglesby moved, seconded by Supervisor Parker, to extend the meeting five minutes beyond the public comment period.

MOTION PASSED: unanimous.

**9. PUBLIC COMMENT PERIOD**

The Board received comments from members of the public.

**10. EXECUTIVE OFFICER'S REPORT**

- a. Outstanding Receivables**
- b. Habitat Conservation Plan Update**
- c. Travel Report**
- d. Administrative Committee**
- e. Finance Committee**
- f. Post-Reassessment Advisory Committee**
- g. Veterans Issues Advisory Committee**
- h. Water and Wastewater Oversight Committee**
- i. Public Correspondence to the Board**

Mr. Houlemard briefly discussed the Executive Officer's report.

**11. ITEMS FROM MEMBERS**

None.

**12. ADJOURNMENT**

Chair Edelen adjourned the meeting at 6:12 pm.