



# FORT ORD REUSE AUTHORITY

920 2<sup>nd</sup> Avenue, Suite A, Marina, CA 93933

Phone: (831) 883-3672 | Fax: (831) 883-3675 | [www.fora.org](http://www.fora.org)

## BOARD OF DIRECTORS REGULAR MEETING

Friday, September 13, 2013 at 2:00 p.m.

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

### AGENDA

#### 1. CALL TO ORDER

#### 2. CLOSED SESSION

- a. Conference with Legal Counsel - Existing Litigation, Gov Code 54956.9(a) – **7 Cases**
  - i. Keep Fort Ord Wild v. Fort Ord Reuse Authority (FORA), Case Numbers: M114961, M116438, M119217
  - ii. Bogan v. Houlemard, Case Number: M122980
  - iii. The City of Seaside v. Valenzuela, Case Number: M124499
  - iv. The Fort Ord Access Alliance v. Houlemard, Case Number: M124709
  - v. The City of Marina v. Fort Ord Reuse Authority, Case Number: M118566

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

#### 4. PLEDGE OF ALLEGIANCE

#### 5. ROLL CALL

#### 6. ACKNOWLEDGEMENTS, ANNOUNCEMENTS, AND CORRESPONDENCE

- a. California State University, Monterey Bay/FORA Co-hosted Base Reuse Implementation Colloquia

#### 7. CONSENT AGENDA

- a. Approval of the August 9, 2013 Board Meeting Minutes (pg. 1-3) ACTION
- b. Contract for Legal Services - Jerry Bowden (pg. 4-8) ACTION

#### 8. BOARD REQUESTED REPORTS

- a. Legal Authority for Consistency Determinations (pg. 9-11) INFORMATION/ACTION
- b. FORA/Jurisdiction Land Use Authority (pg. 12-16) INFORMATION/ACTION
- c. Prevailing Wage Requirements and Enforcement on Fort Ord (pg. 17-19) INFORMATION/ACTION

#### 9. NEW BUSINESS

- a. Adopt Resolution 13-XX Authorizing Application and Acceptance of a Building Removal Business Plan Grant (pg. 20-23) ACTION

#### 10. OLD BUSINESS

- a. FY 2013/14 Capital Improvement Program (2<sup>nd</sup> Vote) (pg. 24-59) ACTION
- b. ICF International Contract Amendment #6 (pg. 60-70) ACTION

**11. PUBLIC COMMENT PERIOD**

*Members of the public wishing to address the Fort Ord Reuse Authority (FORA) Board of Directors on matters that are not on this agenda, but are within FORA's jurisdiction, may comment for up to three minutes during this period. Public comments on specific agenda items are heard under that item.*

**12. EXECUTIVE OFFICER'S REPORT**

- a. Outstanding Receivables (pg. 71-78)
- b. Habitat Conservation Plan Update (pg. 79)
- c. Administrative Committee (pg. 80-83)
- d. Water/Wastewater Oversight Committee (pg. 84-86)
- e. Post Reassessment Advisory Committee (pg. 87-93)
- f. Veterans Issues Advisory Committee (pg. 94-96)
- g. Travel Report (pg. 97)
- h. Public Correspondence to the Board (pg. 98)

INFORMATION  
 INFORMATION  
 INFORMATION  
 INFORMATION  
 INFORMATION/ACTION  
 INFORMATION  
 INFORMATION  
 INFORMATION

**13. ITEMS FROM MEMBERS**

**14. ADJOURNMENT**

**NEXT REGULAR BOARD MEETING: OCTOBER 11, 2013**

Persons seeking disability related accommodations should contact FORA 24 hours prior to the meeting. This meeting is recorded by Access Monterey Peninsula (AMP) and is televised Sundays at 9:00 a.m. and 1:00 p.m. on Marina/Peninsula Chanel 25. The video and full Agenda packet are available online at [www.fora.org](http://www.fora.org).



# FORT ORD REUSE AUTHORITY

## BOARD OF DIRECTORS SPECIAL MEETING MINUTES

2:00 p.m. - Friday, August 9, 2013

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

### 1. CALL TO ORDER AND ROLL CALL

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

### 2. CLOSED SESSION - The Board adjourned into closed session at 2:02 p.m.

- 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. **Conference with Legal Counsel - Anticipated Litigation, Gov Code 54956.9(b) – One Case**

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

The Board reconvened into open session at 2:50 p.m. and Authority Counsel Jon Giffen announced that no reportable action had been taken.

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

#### **Voting Members Present:** (*\*alternates*)(*AR: entered after roll call*)

Chair/Mayor Edelen (City of Del Rey Oaks)

Mayor Kampe (City of Pacific Grove)

Mayor Gunter (City of Salinas)

Councilmember Morton (City of Marina)

Mayor ProTem O'Connell (City of Marina)

Mayor Pro-Tem Oglesby (City of Seaside)

Mayor Pendergrass (City of Sand City)

Supervisor Potter (County of Monterey) *AR*

Mayor Rubio (City of Seaside)

Councilmember Selfridge (City of Monterey)

**Voting Members Absent:** Councilmember Beach (City of Carmel-by-the-Sea), Supervisor Parker (County of Monterey), Supervisor Salinas (County of Monterey)

**Ex-officio (Non-Voting) Board Members Present:** Nicole Charles\* (17<sup>th</sup> State Assembly District), Erica Parker\* (29<sup>th</sup> State Assembly District) *AR and later replaced by Assemblymember Stone*, Graham Bice\* (University of California), Eduardo Ochoa (California State University) *AR*, Walter Tribley (Monterey Peninsula College), Debbie Hale (Transportation Agency of Monterey County), Colonel Fellingner (U.S. Army), and Director Moore (Marina Coast Water District).

### 4. PLEDGE OF ALLEGIANCE

Supervisor Calcagno led the Pledge of Allegiance.

### 5. ACKNOWLEDGEMENTS, ANNOUNCEMENTS, AND CORRESPONDENCE

Col Fellingner invited members of the Board to attend the upcoming U.S. Army Soldier Show at the Presidio of Monterey on August 16, 2013.

a. **2013 FORA Annual Report**

Executive Officer Houlemard presented the FY 2012-13 FORA Annual Report, noting that a copy was available on the FORA website.

6. **CONSENT AGENDA**

a. **Approval of the July 12, 2013 Board Meeting Minutes**

b. **Adopt Resolution 13-XX, Ordering Placement of the Initiatives on November 5, 2013 Ballot and Delegating Authority to County of Monterey to Conduct Elections**

MOTION: Mayor Rubio moved, seconded by Mayor Kampe, to approve the consent agenda, as presented.

MOTION PASSED: unanimous

7. **NEW BUSINESS**

a. **Consistency Determination: The Promontory at California State University, Monterey Bay**

Mr. Houlemard introduced Christi Di'lorio, City of Seaside, who provided an overview of the project. Staff responded to questions from the Board and public regarding prevailing wage and the Board received public comments.

MOTION: Mayor Rubio moved, seconded by Mayor Pro-Tem Oglesby, to approve Resolution 13-09, concurring in the City of Marina's legislative land use decision and development entitlement that the Marina General Plan text amendment, Specific Plan, Zoning Map amendment, and project entitlements related to The Promontory are consistent with the Fort Ord Base Reuse Plan.

MOTION PASSED: unanimous

8. **OLD BUSINESS**

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

Assistant Executive Officer Steve Endsley provided a PowerPoint presentation overview of the CIP.

MOTION: Supervisor Potter moved, seconded by Mayor Rubio, to adopt the FY 2013/14 CIP, as presented.

MOTION PASSED (must return for a second vote): Ayes: Calcagno, Edelen, Gunter, Kampe, Morton, Oglesby, Pendergrass, Potter, Rubio, Selfridge. Noe: O'Connell

b. **Authorize Executive Officer to Execute CCCVC Land Transfer Agreement**

Mr. Houlemard presented the item.

MOTION: Mayor Rubio moved, seconded by Mayor Gunter, to authorize the Executive Officer to execute the Property Transfer Agreement for the California Central Coast Veterans Cemetery with the State of California Department of Veterans Affairs and Public Works Board.

MOTION PASSED: unanimous

9. **PUBLIC COMMENT PERIOD**

The Board received comments from members of the public.

10. **EXECUTIVE OFFICER'S REPORT**

Mr. Houlemard requested to present action items 10a and 10e first and Chair Edelen agreed.

- a. **Outstanding Receivables**
- e. **Travel Report**

Mr. Houlemard presented both items.

MOTION: Mayor Kampe moved, seconded by Supervisor Potter, to 1) approve the Memorandum of Understanding between FORA and the City of Del Rey Oaks regarding the outstanding receivable, 2) approve the travel authorization for Daniel Dawson to attend the ADC Base Redevelopment Forum in Portland, Maine, and 3) approve a FORA Travel Policy exception to permit reimbursement of all estimated travel expenses for Mr. Dawson.

MOTION PASSED: unanimous

Mr. Houlemard stated that the remaining items were informational and did not require discussion.

- b. **Habitat Conservation Plan Update**
- c. **Administrative Committee**
- d. **Water/Wastewater Oversight Committee**
- f. **Public Correspondence to the Board**

**11. ITEMS FROM MEMBERS**

None

**12. ADJOURNMENT**

Chair Edelen adjourned the meeting at 4:10 p.m.

DRAFT

# FORT ORD REUSE AUTHORITY BOARD REPORT

## CONSENT

<b>Subject:</b>	Contract for Legal Services - Jerry Bowden	
<b>Meeting Date:</b>	September 13, 2013	<b>ACTION</b>
<b>Agenda Number:</b>	7b	

### RECOMMENDATION(S):

Authorize the Executive Officer to execute an "on-call" contract for legal services with Jerry Bowden through FY 2013-14, not to exceed \$50,000 (**Attachment A**).

### BACKGROUND/DISCUSSION:

In March 2013, the FORA Board selected Jon Giffen of Kennedy Archer and Giffen, LLC to serve as Authority Counsel. The employment contract for former Authority Counsel (Jerry Bowden) expires on September 15, 2013 and the approved FY 2013-14 FORA budget anticipated Mr. Bowden's participation in the preparation of Habitat Conservation Plan (HCP)/Implementation contracts and or agreements, certain ongoing litigation assistance and to perform support reviews for Authority Counsel Giffen.

### FISCAL IMPACT:

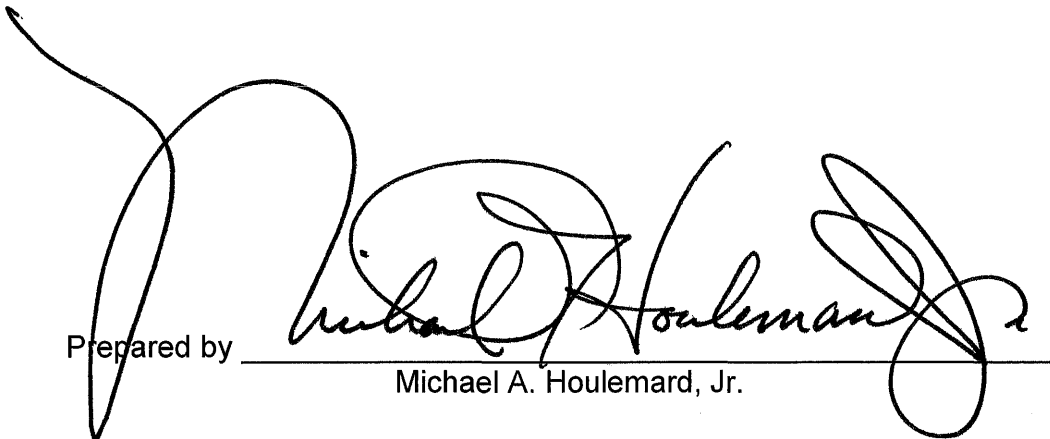
Reviewed by FORA Controller 

The approved FY 13-14 budget includes \$50,000 for this on-call legal services contract.

### COORDINATION:

Executive Committee, Authority Counsel

Prepared by



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Michael A. Houlemard, Jr.

Agreement No. FC-\_\_\_\_\_

**Agreement for Professional Services**

This Agreement for Professional Services (hereinafter referred to as "Agreement") is by and between the Fort Ord Reuse Authority, a political subdivision of the State of California (hereinafter referred to as "FORA") and Gerald D. Bowden (hereinafter referred to as "Consultant")

The parties agree as follows:

1. **SERVICES.** Subject to the terms and conditions set forth in this Agreement, Consultant shall provide FORA with Legal services as described in Exhibit "A". Such services will be on an on-call basis at the direction of the Fort Ord Reuse Authority Board of Directors and/or the Executive Officer.
2. **TERM.** This Agreement shall be from September 16, 2013 through June 30, 2014. The term of the Agreement may be extended upon mutual concurrence and amendment to this Agreement. It is expected that a review of the service agreement will occur after 90 days.
3. **COMPENSATION AND OUT OF POCKET EXPENSES.** The overall maximum amount of compensation to Consultant over the full term of this Agreement is not-to-exceed \$50,000 (Fifty Thousand Dollars) including out of pocket expenses.  
FORA shall pay Consultant for services rendered pursuant to this Agreement at the times and in the manner set forth in Exhibit "A". CONSULTANT will charge \$200 per hour for services rendered.
4. **FACILITIES AND EQUIPMENT.** Consultant is not required to use FORA facilities or equipment for performing professional services. At the Executive Officer's request, Consultant shall arrange to be physically present at FORA facilities to provide professional services at least during those days and hours that are mutually agreed upon by the parties to enable the delivery of the services noted in the Scope of Services attached hereto in Exhibit "A."
5. **GENERAL PROVISIONS.** The general provisions set forth in Exhibit "B" are incorporated into this Agreement. In the event of any inconsistency between said general provisions and any other terms or conditions of this Agreement, the other term or condition shall control only insofar as it is inconsistent with the General Provisions.
6. **EXHIBITS.** All exhibits referred to herein are attached hereto and are by this reference incorporated herein.

IN WITNESS WHEREOF, FORA and CONSULTANT execute this Agreement as follows:

FORA

CONSULTANT

By \_\_\_\_\_  
Michael A. Houlemard, Jr.  
Executive Officer

Date

By \_\_\_\_\_  
Date

Approved as to form:

\_\_\_\_\_  
Jon Giffen, Authority Counsel

**SCOPE OF SERVICES**

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CONSULTANT is expected to perform legal support services as follows:

1. Prepare contracts and/or enabling agreements associated with the processing of the former Fort Ord Habitat Conservation Plan (HCP) including but not limited to: Implementing Agreement, Joint Powers Authority, Trust Agreements, etc.
2. Provide review and advice regarding certain ongoing litigation and provide assistance with respect to historical context.
3. Perform support reviews as may be assigned by the Authority Counsel or Executive Officer.

It is expected that CONSULTANT will provide approximately 20 hours of services per month, depending on actual needs.

**COMPENSATION:** CONSULTANT is entitled to a maximum amount of \$50,000 including out-of-pocket expenses and will be compensated for services rendered in the following manner:

1. FORA agrees to pay CONSULTANT at the following hourly rate: \$200.00
2. CONSULTANT shall submit itemized monthly invoices to FORA for the period ending on the last day of each month.
3. Each invoice shall contain the hours spent and description of services provided during the billing period.
4. CONSULTANT shall be reimbursed for reasonable business expenses if consistent with FORA expense policies and IRS guidelines and directly incurred pursuant to the terms of this agreement. Invoices for expenses must contain detailed itemizations and any expense of \$50.00 or more must be accompanied by a receipt.
5. FORA shall pay CONSULTANT no later than 30 days from receiving an acceptable invoice.

**CONTRACT AMENDMENTS:** Any change or amendment to this Agreement must be in writing and signed by the parties to this Agreement.



GENERAL PROVISIONS

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1. INDEPENDENT CONSULTANT. At all times during the term of this Agreement, CONSULTANT shall be an independent Consultant and shall not be an employee of FORA. FORA shall have the right to control CONSULTANT only insofar as the results of CONSULTANT'S services rendered pursuant to this Agreement.
2. TIME. CONSULTANT shall devote such services pursuant to this Agreement as may be reasonably necessary for satisfactory performance of CONSULTANT'S obligations pursuant to this Agreement. CONSULTANT shall adhere to the Schedule of Activities shown in Exhibit "A".
3. INSURANCE.
  - a. MOTOR VEHICLE INSURANCE. CONSULTANT shall maintain insurance covering all motor vehicles (including owned and non-owned) used in providing services under this Agreement, with a combined single limit of not less than \$100,000/\$300,000.
4. CONSULTANT NO AGENT. Except as FORA may specify in writing, CONSULTANT shall have no authority, express or implied to act on behalf of FORA in any capacity whatsoever as an agent. CONSULTANT shall have no authority, express or implied, pursuant to this Agreement, to bind FORA to any obligation whatsoever.
5. ASSIGNMENT PROHIBITED. No party to this Agreement may assign any right or obligation pursuant to this Agreement. Any attempted or purported assignment of any right or obligation pursuant to this Agreement shall be void and of no effect.
6. PERSONNEL. CONSULTANT shall assign only competent personnel to perform services pursuant to this Agreement. In the event that FORA, in its sole discretion, at anytime during the term of this Agreement, desires the removal of any person or persons assigned by CONSULTANT. CONSULTANT shall remove any such person immediately upon receiving notice from FORA of the desire for FORA for the removal of such person or person.
7. STANDARD OF PERFORMANCE. CONSULTANT shall perform all services required pursuant to this Agreement in the manner and according to the standards observed by a competent practitioner of the profession in which CONSULTANT is engaged in the geographical area in which CONSULTANT practices his profession. All products and services of whatsoever nature, which CONSULTANT delivers to FORA pursuant to this Agreement, shall be prepared in a thorough and professional manner, conforming to standards of quality normally observed by a person practicing in CONSULTANT'S profession. FORA shall be the sole judge as to whether the product or services of the CONSULTANT are satisfactory but shall not unreasonably withhold its approval.
8. CANCELLATION OF AGREEMENT. Either party may cancel this Agreement at any time for its convenience, upon written notification. CONSULTANT shall be entitled to receive full payment for all services performed and all costs incurred to the date of receipt entitled to no further compensation for work performed after the date of receipt of written notice to cease work shall become the property of FORA.
9. PRODUCTS OF CONTRACTING. All completed work products of the CONSULTANT, once accepted, shall be the property of FORA. CONSULTANT shall have the right to use the data and products for research and academic purposes.

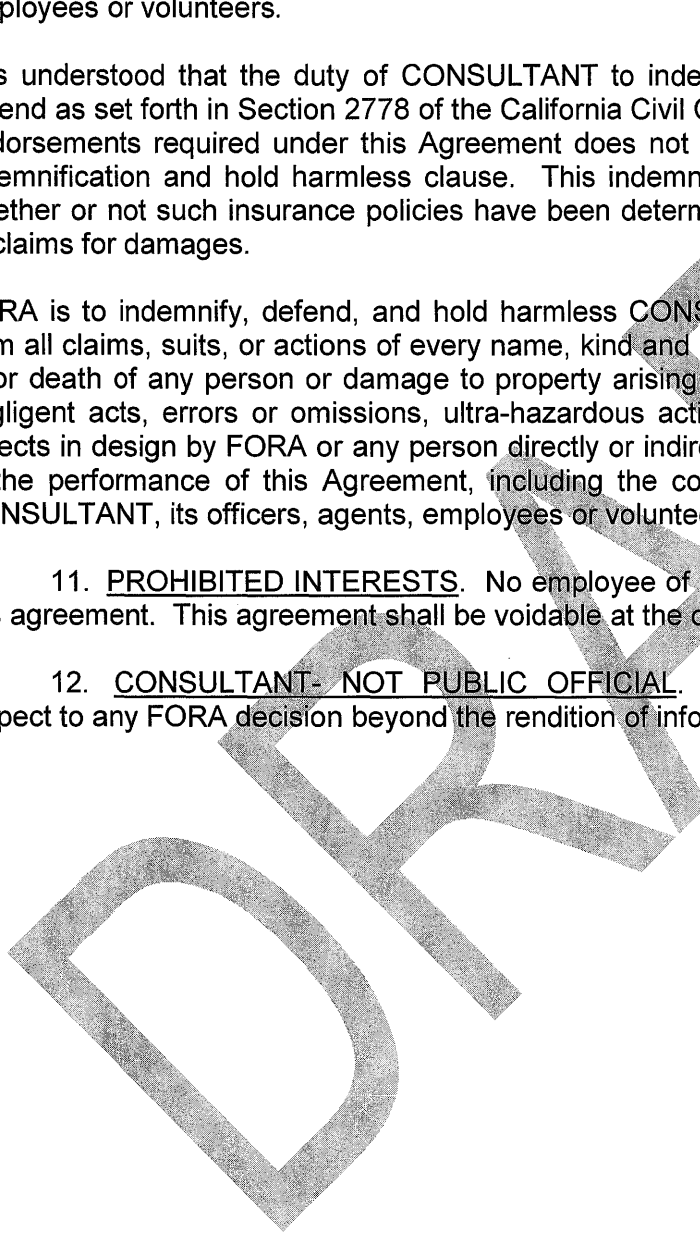
10. INDEMNIFY AND HOLD HARMLESS. CONSULTANT is to indemnify, defend, and hold harmless FORA, its officers, agents, employees and volunteers from all claims, suits, or actions of every name, kind and description, brought forth on account of injuries to or death of any person or damage to property arising from or connected with the willful misconduct, negligent acts, errors or omissions, ultra-hazardous activities, activities giving rise to strict liability, or defects in design by the CONSULTANT or any person directly or indirectly employed by or acting as agent for CONSULTANT in the performance of this Agreement, including the concurrent or successive passive negligence of FORA, its officers, agents, employees or volunteers.

It is understood that the duty of CONSULTANT to indemnify and hold harmless includes the duty to defend as set forth in Section 2778 of the California Civil Code. Acceptance of insurance certificates and endorsements required under this Agreement does not relieve CONSULTANT from liability under this indemnification and hold harmless clause. This indemnification and hold harmless clause shall apply whether or not such insurance policies have been determined to be applicable to any of such damages or claims for damages.

FORA is to indemnify, defend, and hold harmless CONSULTANT, its employees and sub-consultants, from all claims, suits, or actions of every name, kind and description, brought forth on account of injuries to or death of any person or damage to property arising from or connected with the willful misconduct, negligent acts, errors or omissions, ultra-hazardous activities, activities giving rise to strict liability, or defects in design by FORA or any person directly or indirectly employed by or acting as agent for FORA in the performance of this Agreement, including the concurrent or successive passive negligence of CONSULTANT, its officers, agents, employees or volunteers.

11. PROHIBITED INTERESTS. No employee of FORA shall have any direct financial interest in this agreement. This agreement shall be voidable at the option of FORA if this provision is violated.

12. CONSULTANT- NOT PUBLIC OFFICIAL. CONSULTANT possesses no authority with respect to any FORA decision beyond the rendition of information, advice, recommendation or counsel.



# FORT ORD REUSE AUTHORITY BOARD REPORT

## BOARD REQUESTED REPORTS

<b>Subject:</b>	Legal Authority for Consistency Determinations	
<b>Meeting Date:</b>	September 13, 2013	<b>INFORMATION/ACTION</b>
<b>Agenda Number:</b>	8a	

### RECOMMENDATION(S):

Receive report from Special Counsel regarding the Fort Ord Reuse Authority's (FORA's) legal authority with respect to consistency determinations.

### BACKGROUND/DISCUSSION:

In 1997 the FORA Board adopted the Fort Ord Base Reuse Plan (BRP) and accompanying environmental review documents and findings under statutory authority and as required to define US Army property transfers under an Economic Development Conveyance. Over the course of its history, FORA has conducted legislative land use and project development entitlement reviews of jurisdictional determinations of their actions' consistency with that 1997 BRP. In 2012, FORA conducted and completed a reassessment of the BRP, which was received by the Board in December 2012. At its March 22, 2013 meeting, the FORA Board directed staff to retain special land use/California Environmental Quality Act (CEQA) counsel to complete a retrospective and prospective legal analysis of Category II items from the BRP Reassessment Report and other items as identified. On April 12, 2013, the Board authorized the Executive Officer to contract with the Law Offices of Alan Waltner for this work. The resulting "CEQA and Land Use Implications of Potential Revisions to the Fort Ord Reuse Authority Base Reuse Plan" memo was completed by Alan Waltner and distributed to the Board and public in the July 12, 2013 Board meeting agenda packet.

Based on Board input at the July 12 meeting, staff provided Mr. Waltner with additional direction on the second memo regarding FORA's legal authority to make Legislative Land Use Decision and Development Entitlement consistency determinations under the BRP. This memo summary, entitled "Evaluation of FORA Legislative Land Use Decisions and Development Entitlement Consistency Determinations," is attached for your review (**Attachment A**). A more detailed version of this memo is available on the FORA website.

### FISCAL IMPACT:

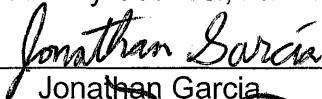
Reviewed by FORA Controller 

Alan Walter's contract has budget authority not to exceed \$24,950. Staff time for this item is included in the approved FORA budget.

### COORDINATION:

FORA Board, Authority Counsel, Law Offices of Alan Waltner

Prepared by

  
Jonathan Garcia

Reviewed by

  
Steve Endsley

Approved by

  
Michael A. Houlemard, Jr.

## **Evaluation of FORA Legislative Land Use Decisions and Development Entitlement Consistency Determinations**

**BACKGROUND.** Since the adoption of the 1997 BRP, the Board has considered and certified a number of local general plans as consistent with the BRP, including those for Seaside, Marina, Del Rey Oaks, and Monterey County. This certification generally shifts land use authority to the local jurisdiction, subject to project-level appeals to FORA. FORA also has determined the consistency of certain project-level entitlements and other implementing actions with the certified general plans and/or BRP.

In several instances, the local actions found consistent with the BRP or certified general plan reflected shifts in the intensity or density of uses between parcels in a balanced manner that did not increase the overall intensity or density of development from a base-wide perspective. These shifts mean that some of the land uses shown on the BRP land use map do not match the subsequent determinations for particular parcels. Interested parties have claimed that this approach has been invalid. Interested parties have also argued that no local development entitlements can be granted until all of the programs, policies, and mitigation measures in the BRP have been fully implemented.

**DISCUSSION.** Land use decisions at the former Fort Ord are governed by the Authority Act, the Master Resolution (particularly Chapter 8), and the BRP. Although these are somewhat technical and complicated documents, they address the arguments made by interested parties as described below.

First, there is no requirement that the parcel-by-parcel land use designations be identical in the BRP as compared to the local general plans or entitlement actions. Instead, the Master Resolution expressly states that:

FORA shall not preclude the transfer of intensity of land uses and/or density of development involving properties within the affected territory as long as the land use decision meets the overall intensity and density criteria of Sections 8.02.010(a)(1) and (2) above as long as the cumulative net density or intensity of the Fort Ord Territory is not increased. (Master Resolution Section 8.02.010(b)).

This flexibility is also reflected in the definition of "affected territory" which guides how land use determinations are made:

"Affected territory" means property within the Fort Ord Territory that is the subject of a legislative land use decision or an application for a development entitlement and such additional territory within the Fort Ord Territory that may be subject to an adjustment in density or intensity of allowed development to accommodate development on the property subject to the development entitlement. (Master Resolution Section 1.01.050).

For general plan consistency certifications, the geographic area of the evaluation (and the corresponding area within which land uses and densities can be balanced) is at minimum the area covered by the general plan amendment itself. The density or intensity of development can

also be balanced elsewhere within the Fort Ord Territory when specific development entitlements are considered.

Therefore, the shifting of land uses and densities between parcels is expressly authorized, and FORA's procedures for land use determinations have appropriately implemented the Authority Act, Master Resolution and BRP. This flexible approach to consistency determinations is also supported by extensive case law under the analogous Planning and Zoning Law. These cases also accord significant deference to agencies such as FORA in making land use determinations.

Second, there is no basis in the Authority Act, Master Resolution, or BRP for interested parties' argument that all of the programs, policies and mitigation measures of the BRP must be fully implemented before project-level entitlements can be granted. Pertinent factors include:

- Many of those programs, policies, and mitigation measures are presented in very general terms and do not establish specific requirements, so compliance actions can be correspondingly general (such as through the adoption of general plan policies of comparable generality).
- Many of the programs, policies, and mitigation measures are not relevant until specific projects are proposed or overall development levels reached, which in many cases has not occurred, so there has been no present failure to carry them out.
- The Master Resolution generally only requires "substantial compliance" or "substantial conformance" with policies, programs and mitigation measures, rather than strict compliance. (Master Resolution Sections 8.02.010 and 8.01.010).
- The master resolution retains the discretion of the local agencies to determine how to address the programs "applicable" to development entitlements. (Master Resolution Section 8.02.040).

In the 2012 Reassessment Report, the consultant (under "Category III") included a preliminary "audit" of the status of certain BRP programs and policies. Local agencies have questioned the accuracy of some of the consultants' conclusions. However, all parties agree that additional progress in implementing these policies and programs will benefit the development of the base.

**RECOMMENDATION:** FORA's procedures for consistency determinations and other land use have been consistent are consistent with the Authority Act and Master Resolution. As discussed in the supporting materials for Item 10g of the July 12, 2013 meeting, if FORA decides to modify the BRP, including modifications to the land use map, we recommend that an Initial Study be prepared to evaluate whether the specific modifications can be supported by the existing CEQA documentation, or whether additional CEQA analysis is warranted.

# FORT ORD REUSE AUTHORITY BOARD REPORT

## BOARD REQUESTED REPORTS

<b>Subject:</b> FORA/Jurisdiction Land Use Authority	
<b>Meeting Date:</b> September 13, 2013 <b>Agenda Number:</b> 8b	<b>INFORMATION/ACTION</b>

### RECOMMENDATION(S):

Receive report from Authority Counsel regarding FORA's land use authority.

### BACKGROUND/DISCUSSION:

At the July 12, 2013 FORA Board meeting, Supervisor Parker inquired about language included in the staff report for Item 8a (excerpt below).

"The fact that property has regulatory approvals, does not dictate what the end use will be. FORA is not empowered to impose or limit zoning, decide future use, property density or related land use decisions which are the responsibility of the local jurisdiction(s) where the property lies. Issues associated with future land use should be directed to the governmental authority with land use responsibility, not to FORA."

Supervisor Parker requested that Authority Counsel provide a legal memorandum describing what state law says about FORA's ability to regulate land use. The legal memorandum is attached for review (**Attachment A**).

### FISCAL IMPACT:


Reviewed by FORA Controller 

Staff time for this item is included in the approved FORA budget.

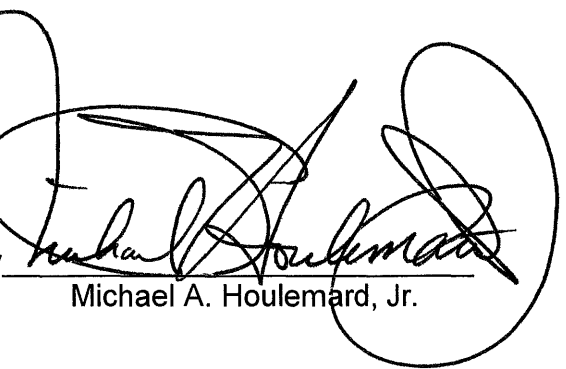
### COORDINATION:

Authority Counsel

Prepared by

  
Jon Giffen

Approved by

  
Michael A. Houlemard, Jr.

# MEMORANDUM

## Kennedy, Archer & Giffen

A Professional Corporation

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**DATE:** August 26, 2013  
**TO:** The FORA Board  
**FROM:** Jon Giffen and Cassie Bronson  
**RE:** FORA's Role in Land Use Decisions

### **I. Issues Presented**

The July 12, 2013 FORA Board report contained the following excerpt:

FORA is not empowered to impose or limit zoning, decide future use, property density or related land use decisions which are the responsibility of the local jurisdiction(s) where the property lies. Issues associated with future land use should be directed to the governmental authority with land use responsibility, not to FORA. The level to which the property is cleaned does not require that the jurisdictions establish their land use at a corresponding level. If cleaned to sensitive use permitted levels, the jurisdictions can then utilize the remediated property for a variety of uses, in accordance with their city codes and ordinances.

In response to that excerpt, Monterey County Supervisor Jane Parker asked FORA's counsel to prepare a memo summarizing FORA's role in making "future use, property density, or related land use decisions which are the responsibility of the local jurisdiction where the property lies."

### **II. Summary Response**

The July 12, 2013 FORA Board report was correct in its assertion that local jurisdictions are responsible for implementing their own zoning and related land use decisions. With that said, FORA is generally empowered to influence land use decisions in three ways: (1) making the Base Reuse Plan ("BRP") consistency determinations authorized by the Fort Ord Reuse Act, (2) instituting land use controls by contract, and (3) exerting power over property through direct ownership.

This memo is intended to provide the FORA Board and the public with a broad overview of FORA's powers to influence land use decisions. If a board member has any specific follow-up questions regarding any of these methods, further research and analysis may be appropriate.

### **III. FORA's Role in Land Use Decisions**

#### **A. BRP Consistency Determinations**

FORA is a creature of the Fort Ord Reuse Act (Cal. Govt. Code § § 67650 – 67770). FORA's powers and duties are those which are specifically granted or imposed by the Fort Ord Reuse Act. *See* Govt. Code § 67657(a). The powers and duties granted to FORA by the Fort Ord Reuse Act “prevail over those of any local entity, including any city or county[.]”

The essential premise of the Fort Ord Reuse Act is that the FORA Board creates the BRP, and local jurisdictions implement the BRP through their own general plans, zoning ordinances, and permit approval processes. The Fort Ord Reuse Act recognizes that FORA's member jurisdictions are responsible for creating and enforcing their own general plans, zoning ordinances, zoning district maps, and other implementing actions. *See* Govt. Code § § 67675.2, 67675.4. The FORA Board primarily enforces the BRP by declaring general plans, zoning ordinances, and other implementing actions to be “consistent” or “inconsistent” with the BRP. *See* Govt. Code § § 67675.3, 67675.5.

With one exception, the Fort Ord Reuse Act delegates all development review authority to the “county or city over any development proposed within the area to which the general plan applies.” *See* Govt. Code § 67675.6. That exception is the appeals process provided by Govt. Code § 67675.8, which provides:

*Subject to the consistency determinations required pursuant to this title, each member agency with jurisdiction lying within the area of Fort Ord may plan for, zone, and issue or deny building permits and other development approvals within that area. Actions of the member agency pursuant to this paragraph may be reviewed by the board on its own initiative, or may be appealed to the board.*

Govt. Code § 67675.8(b)(2) (italics added).

Thus, a member agency's determination that a zoning decision or a development permit is consistent or inconsistent with the BRP can be reviewed by the FORA Board, either on the Board's own initiative, or based on an appeal initiated by a third party. Article 8.01 and 8.02 of the FORA Master Resolution describe the relevant procedure and criteria for reviewing a development entitlement's consistency with the BRP.

The Fort Ord Reuse Act does not describe what would happen if a project is first approved by a local agency, but then rejected by the FORA Board through the appeals process described in Section 67675.8(b)(2). Even though no remedy is described by the statute, an affected jurisdiction probably cannot ignore the FORA Board's consistency determination. The Fort Ord Reuse Act makes it clear that:

*no local agency shall permit, approve, or otherwise allow any development or other change of use within the area of the base that is not consistent with the plan as adopted or revised pursuant to this title. Except as required by state or federal law, other than state law authorizing cities and counties to approve development projects, the board shall be the final judge of this consistency with the*



*requirements of this title.* The board may adopt regulations to ensure compliance with the provisions of this title.

Govt. Code § 67675.8(b)(1).

If an affected jurisdiction attempted to ignore the FORA Board's consistency determination, FORA could likely enforce its consistency determination in court through some type of Writ of Mandate procedure. *See* CCP § § 1085, 1094.5; *see also Sacramento County Alliance of Law Enforcement v. County of Sacramento*, 151 Cal. App. 4th 1012 (3d Dist. 2007) (Writ of mandate will lie where the petitioner has no plain, speedy, and adequate alternative remedy, the respondent has a clear, present, and usually ministerial duty to perform, and the petitioner has a clear, present, and beneficial right to performance).

## **B. Contract**

Land use decisions can also be controlled by contract. The Fort Ord Reuse Act contains several express grants of power to control land use by contract. Three of these provisions follow:

- Govt. Code § 67677. “The board may negotiate and enter into appropriate agreements with the United States or any of its agencies or departments for the purpose of determining the disposition, reuse, or conservation of the property or facilities within the area of Fort Ord.”
- Govt. Code § 67680. “The board may enter into contracts and agreements as necessary to mitigate the impacts of the reuse of Fort Ord on rare and endangered species of flora and fauna. These contracts and agreements may include provisions for the long-term preservation and management of habitat areas, including acquisition or acceptance by the board of title to real property, restriction on the development of portions of the area of Fort Ord, and arrangements for the long-term management and biological monitoring of the flora and fauna of the base, including its financing.”
- Govt. Code § 67680.5. “The board may enter into contracts and agreements as necessary to mitigate impacts of the reuse of Fort Ord in addition to those specified in Section 67680.”

The most important contractual expression of FORA's role in controlling land use is found in the Implementation Agreements between FORA and certain underlying land use jurisdictions. The Implementation Agreements do not cede local regulatory authority to FORA.

## **C. Ownership**

Ownership of land necessarily implies some power and influence over that land. FORA is authorized to accept title to land from the Army. *See* Govt. Code § 67678. FORA's rights and obligations to transfer property to land use jurisdictions are primarily governed by (1) the Fort Ord Reuse Act, (2) the terms of any given Implementation Agreement between FORA and the

relevant member jurisdiction, and (3) the FORA/Army Economic Development Conveyance Agreement (“the EDC”).

All of these laws and agreements are aimed at the ultimate disposition of property from FORA to the member jurisdictions. FORA’s counsel is not aware of any provision within the FORA Act, the Implementation Agreements, or the EDC that allows FORA to retain property for the express purpose of influencing the property’s future use, density, zoning, or other land use designation.

Under the Fort Ord Reuse Act, FORA does have the right to “retain” title to property if both of the following things occur: “(i) the board determines that retention of the property is necessary or convenient to carrying out the authority's responsibilities pursuant to law”; and “(ii) the board determines that its retention of the property will not cause significant financial hardship to the city or county with jurisdiction over the property.” Govt. Code § 67678(b)(4).

#### **IV. Conclusion**

Under the Fort Ord Reuse Act, local jurisdictions are responsible for implementing the BRP through their own zoning and land use decisions. Govt. Code section 67675.8 empowers the FORA Board to review those implementing actions through an appeals process. That appeals process is described in greater detail in Article 8 of the FORA Master Resolution. The FORA board is the final judge of BRP consistency.

FORA is also empowered to control land by contract. FORA has entered into several Implementation Agreements. The Implementation Agreements do not cede regulatory authority to FORA.

FORA can also control land through direct ownership. The Fort Ord Reuse Act, the Implementation Agreements, and the EDC govern FORA’s responsibilities to transfer land to local jurisdictions. All of those documents are generally aimed at the ultimate disposition of Fort Ord lands to the local jurisdictions. FORA’s authority to retain property is governed by Govt. Code section 67678(b)(4), which gives FORA the right to “retain” property if: “(i) the board determines that retention of the property is necessary or convenient to carrying out the authority's responsibilities pursuant to law”; and “(ii) the board determines that its retention of the property will not cause significant financial hardship to the city or county with jurisdiction over the property.”

# FORT ORD REUSE AUTHORITY BOARD REPORT

## BOARD REQUESTED REPORTS

**Subject:** Prevailing Wage Requirements and Enforcement on Fort Ord

**Meeting Date:** September 13, 2013

**Agenda Number:** 8c

**INFORMATION/ACTION**

### RECOMMENDATION(S):

Receive a report from the Executive Officer regarding Prevailing Wage requirements and enforcement on Fort Ord.

### BACKGROUND:

Over the years, the FORA Board has received several presentations regarding the applicability and enforcement of prevailing wage on Fort Ord. This spring, FORA partnered to coordinate a two-day Fort Ord Prevailing Wage Training Conference, designed to provide understanding of the documentation/regulations needed by public agencies to meet prevailing wage requirements. Although the event was cancelled due to low registration, the Board and public have expressed interest in revisiting the topic at a Board meeting.

### DISCUSSION:

Adoption of prevailing wage as a basewide policy originally surfaced during the legislative debates about the creation of FORA. While the FORA enabling legislation did not include provisions for prevailing wage, the initial FORA Board meeting explored the policy question in the exchanges about adoption of a procurement code. In fact, the FORA Board's first action in setting prevailing wage policy occurred on July 14, 1995, with the adoption of Ordinance No. 95-01. This Ordinance established FORA's Procurement Code, which requires prevailing wage to be paid to all workers employed on FORA's construction contracts. The FORA Master Resolution was adopted on March 14, 1997. Article 3.03.090 of the Master Resolution (**Attachment A**) requires that prevailing wage be paid for all first generation projects occurring on parcels subject to the Base Reuse Plan.

Discussion regarding application of prevailing wages continued and was included in Base Reuse Plan compliance actions through 2006, when the Board engaged in further policy clarification actions. In August 2006, the Board received a status report on the jurisdiction's efforts to adopt and implement prevailing wage policies consistent with Chapter 3 of the Master Resolution. That report was the result of FORA Executive Committee and Authority Counsel's examination of FORA's role in implementing prevailing wage policies on the former Fort Ord. Since 2006, the FORA Board has heard compliance concerns expressed by the Labor Council, received several additional reports, slightly modified a section of Chapter 3 of the Master Resolution, and directed staff to provide information to the jurisdictions about compliance. FORA staff will provide a power point presentation on Prevailing Wage Policy implementation at the former Fort Ord at the September meeting.

### FISCAL IMPACT:

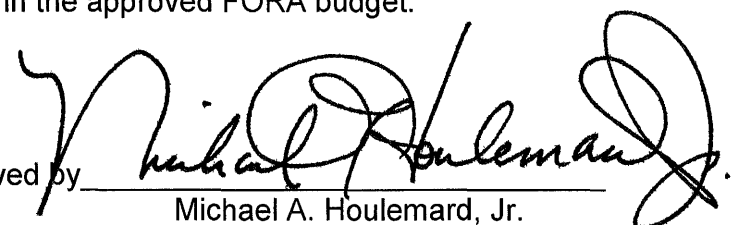
Reviewed by FORA Controller 

Staff time for this item is included in the approved FORA budget.

### COORDINATION:

FORA Board, FORA Counsel

Prepared/Approved by

  
Michael A. Houlemard, Jr.

## Excerpts from the FORA Master Resolution - *Prevailing Wage* -

### 3.03.090 PREVAILING WAGES.

(a) Not less than the general prevailing rate of wages for work of a similar character in Monterey County, as determined by the Director of the Department of Industrial Relations under Division 2, Part 7, Chapter 1 of the California Labor Code, will be paid to all workers employed on the First Generation Construction performed on parcels subject to the Fort Ord Base Reuse Plan. This subsection applies to work performed under Development Entitlements as defined in §1.01.050 of this Master Resolution and by contract with a FORA member or a FORA member agency including their transferees, agents, successors-in-interest, developers or building contractors.

This policy is limited to "First Generation Construction" work, which is defined in §1.01.050 of this Master Resolution. In addition to the exceptions enumerated in the definition of Development Entitlements found in §1.01.050 of this Master Resolution, this policy does not apply to:

- construction work performed by the Authority or a member jurisdiction with its own workforce;
- construction work performed by paid, full-time employees of the developer, unless the developer is performing the work of a contractor as defined in California Business and Professions Code §7026;
- construction improvements following issuance of an occupancy permit;
- affordable housing when exempted under California state law; and
- construction of facilities to be used for eleemosynary non- commercial purposes when owned in fee by a non-profit organization operating under §501(c)(3) of the Internal Revenue Code.

(b) Member agencies must include language in all of their contracts and deeds for the conveyance, disposition and/or development of former Fort Ord property to give notice of and assure compliance with the policy set forth above in subsection 3.03.090(a).

(c) FORA determines compliance by member agencies with this section at the time of and as part of FORA's consistency determination under Chapter 8 of this Master Resolution.

**1.01.050 DEFINITIONS.**

“Development entitlements” includes but is not limited to tentative and final subdivision maps, tentative, preliminary, and final parcel maps or minor subdivision maps, conditional use permits, administrative permits, variances, site plan reviews and building permits. The term “development entitlement” does not include the term “legislative land use permits” as that term is defined in this Master Resolution. In addition the term “development entitlement” does not include:

- (1) Construction of one single-family house, or one multiple family house not exceeding four units, on a vacant lot within an area appropriately designated in the Reuse Plan.
- (2) Improvements to existing single-family residences or to existing multiple family residences not exceeding four units, including remodels or room additions.
- (3) Remodels of the interior of any existing building or structure.
- (4) Repair and maintenance activities that do not result in an addition to, or enlargement of, any building or structure.
- (5) Installation, testing, and placement in service or the replacement of any necessary utility connection between an existing service facility and development approved pursuant to the Authority Act.
- (6) Replacement of any building or structure destroyed by a natural disaster with a comparable or like building or structure.
- (7) Final subdivision or parcel maps issued consistent with a development entitlement subject to previous review and approval by the Authority Board.
- (8) Building permit issued consistent with a development entitlement subject to previous review by the Authority Board.

“First Generation Construction” means construction performed during the development and completion of each parcel of real property contemplated in a disposition or development agreement at the time of transfer from each member agency to a developer(s) or other transferee(s) and until issuance of a certificate of occupancy by the initial owners or tenants of each parcel.

# FORT ORD REUSE AUTHORITY BOARD REPORT

## NEW BUSINESS

<b>Subject:</b>	Adopt Resolution 13-XX Authorizing Application and Acceptance of a Building Removal Business Plan Grant	
<b>Meeting Date:</b>	September 13, 2013	<b>ACTION</b>
<b>Agenda Number:</b>	9a	

### **RECOMMENDATION:**

Adopt Resolution 13-XX (**Attachment A**) authorizing application to the United States Department of Defense Office of Economic Adjustment (OEA)/United States Department of Commerce Economic Development Administration (EDA) for a joint Fort Ord Reuse Authority (FORA)/ California State University Monterey Bay (CSUMB) Building Removal Business Plan grant. If the application is approved by the OEA/EDA, Resolution 13-XX also authorizes the Executive Officer to accept any subsequent grant offer (anticipated to be up to \$250,000).

### **BACKGROUND:**

FORA has been actively removing, reusing and recycling former Fort Ord building stock since 1996. Details about the background and status of building removal can be found in the FORA Annual Report – pages 22 to 24. Through FORA's building removal program, lessons have been learned regarding building type, size and use, the presence of lead-based paint, asbestos, hidden asbestos and asbestos-containing materials, and waste management and diversion.

Separately, but in coordination with FORA in many cases, CSUMB has been actively removing, reusing and recycling former Fort Ord building stock on the campus footprint since 2001. FORA and CSUMB have "partnered" on several building removal projects and continue to benefit from shared knowledge and cost savings. The adopted FORA Legislative Agenda has carried an ongoing item to encourage this mutually beneficial partnering for building and blight removal. In addition, blight/building removal was emphasized by community members during the 2012 Base Reuse Plan Reassessment process.

### **DISCUSSION:**

There are sixty-five (65) concrete Korean War-era buildings requiring removal on the former Fort Ord. Twenty-six (26) of these concrete structures lie within the City of Seaside footprint on the former Fort Ord, creating a "ghost town" effect and an attractive setting for vandalism while impairing implementation of the 1997 Base Reuse Plan for reuse of the area and significantly affecting land value. Thirty-nine (39) of these structures lie within the CSUMB campus footprint, creating a significant barrier to implementing the core campus area of the campus Master Plan. All of the abandoned buildings present potentially significant public safety and environmental hazards.

Under the guidance of the FORA Legislative Agenda, FORA leadership discussed the building removal/blight issues with federal officials while in Washington DC last June. Shortly thereafter, FORA and CSUMB agreed to partner to prepare a Building Removal Business Plan OEA/EDA grant application that would outline cost parameters and set forth terms to guide future removal of these large multi-story concrete structures. Under OEA/EDA requirements, FORA as the recognized Local Reuse Authority by OEA must lead the grant application process, and if

successful, the grant management process. The application requests funds to refine our past work to develop a current business plan to complete building removal work – clearing a barrier to both blight removal and effective reuse of the former Fort Ord. The Building Removal Business Plan would continue to leverage our collective expertise and experience, and focus on environmentally sensitive building removal techniques, utilizing market forces.

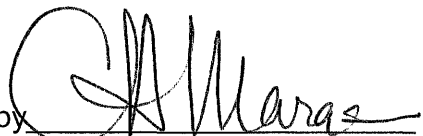
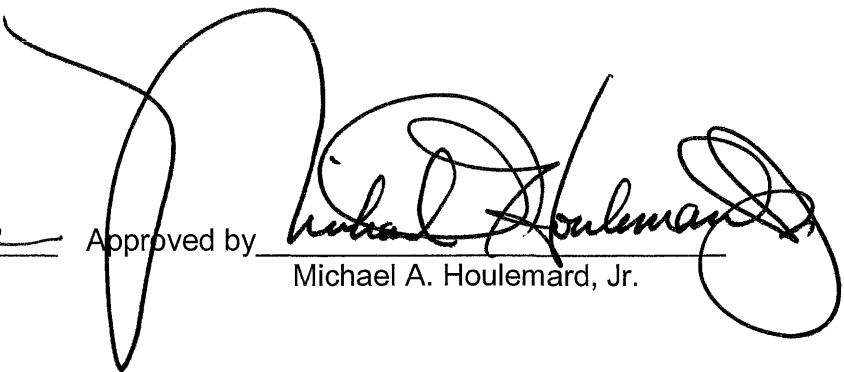
**FISCAL IMPACT:**

Reviewed by FORA Controller 

FORA and CSUMB can each provide \$25,000 of in-kind matching funds in the form of Construction Management and Planning staff time to manage the application for a total of \$50,000, or 20% of the proposed award.

**COORDINATION:**

CSUMB, OEA, EDA, City of Seaside

Prepared by  Approved by   
Crissy Maras Michael A. Houlemard, Jr.

**FORT ORD REUSE AUTHORITY  
Resolution 13-XX**

**Resolution of the Fort Ord Reuse Authority Board to Authorize the  
Application and Acceptance of Grant Funds to Support  
Preparation of a Deconstruction/Building Removal Business Plan**

THIS RESOLUTION is adopted with reference to the following facts and circumstances:

The Fort Ord US Army Military Installation was closed as a result of the 1994 Base Realignment and Closure Act.

The Fort Ord Reuse Authority (FORA) was created by State legislature to oversee the civilian reuse and redevelopment of the former Fort Ord.

The Fort Ord Base Reuse Plan (BRP) was adopted in 1997 and describes the planning, financing and implementation of reuse, focusing on the three "E's" – Economic Recovery, Education and Environment.

A comprehensive re-assessment of the BRP concluded with a 2012 Base Reuse Plan Final Reassessment Report.

The Final Reassessment Report identified blight removal as a significant remaining goal of the reuse effort.

FORA has been actively removing, reusing and recycling former Fort Ord building stock since 1996 and has emphasized building removal in its Legislative Agenda since 2007.

California State University Monterey Bay (CSUMB) has been actively removing, reusing and recycling former Fort Ord building stock within their campus footprint since 2001.

Twenty-six (26) Korean War-era concrete structures lie within the City of Seaside footprint on the former Fort Ord, preventing implementation of the BRP, redevelopment of the area, and significantly affecting land value.

Thirty-nine (39) Korean War-era concrete structures lay within the CSUMB campus footprint, preventing implementation of the campus Master Plan and building the core campus.

FORA and CSUMB possess knowledge and lessons learned through both separate and combined building removal projects.

A Deconstruction/Building Removal Business Plan would continue to leverage that knowledge by establishing cost parameters and setting forth terms to guide future removal of these large multi-story concrete structures.

The United States Department of Defense Office of Economic Adjustment (OEA), through the US Department of Commerce Economic Development Administration, has indicated support of



a joint FORA/CSUMB grant application up to \$250,000 for a Deconstruction/Building Removal Business Plan with FORA as lead agent.

Both the City of Seaside and CSUMB have provided letters supporting a joint FORA/CSUMB grant application for a Deconstruction/Building Removal Business Plan with FORA as lead agent.

NOW, THEREFORE, the Fort Ord Reuse Authority Board of Directors hereby resolves that a joint FORA/CSUMB application for an OEA/EDA grant to prepare a Deconstruction/Building Removal Business Plan would significantly benefit CSUMB, FORA land use jurisdictions, and the Monterey Bay Region, and authorizes the Executive Officer to make such application.

IT IS FURTHER RESOLVED that if the OEA/EDA grant is approved, the FORA Executive Officer is authorized to accept a subsequent grant offer and that FORA will provide \$25,000 in-kind Construction Management and Planning staff time to manage the application as FORA's share of the \$50,000/ 20% OEA/EDA award local match requirement.

Upon motion by \_\_\_\_\_, seconded by \_\_\_\_\_, the foregoing Resolution was passed on this 13<sup>th</sup> day of September, 2013, by the following vote:

AYES:  
NOES:  
ABSTENTIONS:  
ABSENT:

\_\_\_\_\_  
Jerry Edelen, Chair

ATTEST:

\_\_\_\_\_  
Michael A. Houlemard, Jr., Secretary

# FORT ORD REUSE AUTHORITY BOARD REPORT

## OLD BUSINESS

**Subject:** FY 2013/14 Capital Improvement Program (2<sup>nd</sup> Vote)

**Meeting Date:** September 13, 2013

**Agenda Number:** 10a

**ACTION**

### **RECOMMENDATION:**

Adopt the FY 2013/14 Fort Ord Reuse Authority (FORA) Capital Improvement Program (CIP), as presented and voted on at the August FORA Board meeting (**Attachment A**).

### **BACKGROUND/DISCUSSION:**

At the May 2013 Board meeting, Board members received a presentation and overview of the FORA CIP and the specific adjustments made for FY 2013/14. In June, staff presented the first draft CIP, along with answers to several Board member questions/comments. At that June meeting, the Board accepted the Administrative Committee request for continued CIP review at the Administrative level and postpone Board adoption for 30 days. The Board received a status report on Administrative Committee review at their July meeting.

The Administrative Committee recommended FORA Board adoption of an updated draft FY 2013/14 CIP on July 31<sup>st</sup>. On August 9<sup>th</sup>, the Board subsequently received that draft with a staff report and memo which outlined further updates. On a motion by Director Potter, seconded by Director Rubio, the CIP failed to receive a unanimous vote for adoption (10 in favor-1 opposed). All of the previously noted draft CIPs, staff reports, memos and presentations can be found on FORA's website ([www.fora.org](http://www.fora.org)) as part of FORA Board meeting materials for the months of May, June, July and August 2013.

If adopted, a final FY 2013/14 CIP will be distributed with the October 2013 FORA Board packet.

### **FISCAL IMPACT:**


Reviewed by FORA Controller 

Staff time for this item is included in the approved FORA budget.

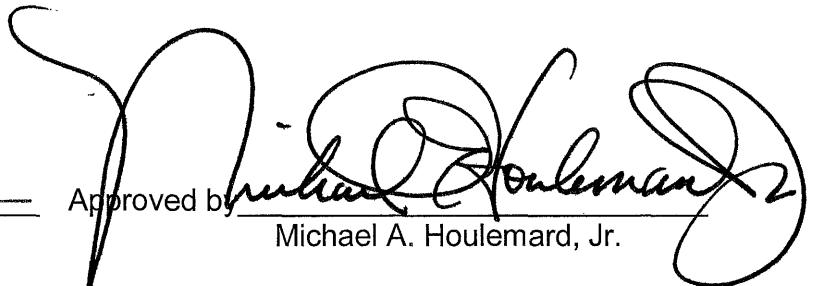
### **COORDINATION:**

FORA Board, Executive Committee and Administrative Committee

Prepared by

  
Crissy Maras

Approved by

  
Michael A. Houlemard, Jr.



**DRAFT**

FY 2013/14  
Capital Improvement  
Program

# TABLE OF CONTENTS

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<u>SECTION</u>	<u>PAGE</u>
<b>I EXECUTIVE SUMMARY</b>	<b>3</b>
<b>II OBLIGATORY PROGRAM OF PROJECTS – DESCRIPTION OF CAPITAL IMPROVEMENT PROGRAM</b>	<b>4</b>
a. TRANSPORTATION/TRANSIT	5
FIGURE 1 – TRANSPORTATION MAP	7
FIGURE 2 – REMAINING TRANSPORTATION PROJECTS	8
b. WATER AUGMENTATION	9
c. STORM DRAINAGE SYSTEM	9
d. HABITAT MANAGEMENT REQUIREMENTS	10
e. FIRE FIGHTING ENHANCEMENT REQUIREMENTS	11
f. BUILDING REMOVAL PROGRAM	11
g. WATER AND WASTEWATER COLLECTION SYSTEMS	12
h. PROPERTY MANAGEMENT AND CARETAKER COSTS	13
<b>III FY 2013/2014 THROUGH 2021/2022 CAPITAL IMPROVEMENT PROGRAM</b>	<b>13</b>
TABLE 1 –OBLIGATORY PROJECT OFFSETS AND REMAINING OBLIGATIONS	15
TABLE 2 – TRANSPORTATION NETWORK AND TRANSIT ELEMENTS	16
TABLE 3 –SUMMARY OF CAPITAL IMPROVEMENT PROGRAM	17
TABLE 3 – FOOTNOTES	18
TABLE 4 – COMMUNITY FACILITIES DISTRICT REVENUE	20
TABLE 5 – LAND SALES REVENUE	22
 <b><u>APPENDICES</u></b>	
<b>A. PROTOCOL FOR REVIEW/REPROGRAMMING OF FORA CIP</b>	<b>24</b>
<b>B. FY 2013/14 THROUGH POST-FORA DEVELOPMENT FORECASTS</b>	<b>26</b>
<b>C. BUILDING REMOVAL PROGRAM TO DATE</b>	<b>30</b>
<b><u>D. CARETAKER COSTS MEMORANDUM DATED JULY 18, 2012</u></b>	<b><u>34</u></b>

## I. EXECUTIVE SUMMARY

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The Fort Ord Reuse Authority ("FORA") Capital Improvement Program ("CIP") was created in 2001 to comply with and monitor mitigation obligations from the 1997 Fort Ord Base Reuse Plan ("BRP"). These mitigation obligations are described in the BRP Appendix B as the Public Facilities Implementation Plan ("PFIP") – which was the initial capital programming baseline. The CIP is a policy approval mechanism for the ongoing BRP mitigation requirements as well as other capital improvements established by FORA Board policy decisions. The CIP is re-visited annually by the FORA Board to assure that projects are implemented on a timely basis.

This FY 2013/14 – "Post-FORA" CIP document has been updated with reuse forecasts by the FORA land use jurisdictions and adjusted to reflect staff analysis and Board policies. Adjusted annual forecasts are enumerated in the CIP Appendix B. Forecasted capital project timing is contrasted with FY 2012/13 adopted timing, outlining adjustments. See Tables 2 & 3, depicting CIP project forecasts.

Current State law sets FORA's sunset on June 30, 2020 or when 80% of the BRP has been implemented, whichever occurs first– either of which is prior to the Post-FORA CIP end date. The revenue and obligation forecasts will be addressed in 2018 under State Law and will likely require significant coordination with the Local Agency Formation Commission.

### 1) Periodic CIP Review and Reprogramming

Recovery forecasting is impacted by the market. However, annual jurisdictional forecast updates remain the best method for CIP programming since timing of project implementation is the purview of the individual on-base FORA members. Consequently, FORA annually reviews and adjusts its jurisdiction forecast based CIP to reflect project implementation and market changes. The protocol for CIP review and reprogramming was adopted by the FORA Board on June 8, 2001. Appendix A, herein, defines how FORA and its member agencies review reuse timing to accurately forecast revenue. A March 8, 2010 revision incorporated additional protocols by which projects could be prioritized or placed in time. Once approved by the FORA Board, this CIP will set project priorities. The June 21, 2013 Appendix A revision describes the method by which the "Fort Ord Reuse Authority's Basewide Community Facilities District ("CFD"), Notice of Special Tax Lien" is annually indexed.

In FY 2010/11, FORA contracted with Economic & Planning Systems ("EPS") to perform a review of CIP costs and contingencies (CIP Review – Phase I Study), which resulted in a 27% across-the-board CFD/Developmenter Fee reduction in May 2011. On August 29, 2012, the FORA Board adopted a formula to calibrate FORA CIP costs and revenues on a biennial basis, or if a material change to the program occurs. Results of the EPS Phase II Review resulted in a further 23.6% CFD/Developmenter Fee reduction. Those reductions are continued in this CIP. However, an increase of 2.8% as noted in the January Engineering News Record ("ENR") Construction Cost Index ("CCI") is applied across the Board to developer fees to keep pace with inflationary construction cost factors (as described in Appendix A). A Phase III review, to update CIP project and contingency costs, is planned prior to the formulaic application in early 2014.

### 2) CIP Costs

The costs assigned to individual CIP elements were first estimated in May 1995 and published in the draft 1996 BRP. Those costs have been adjusted to reflect actual changes in construction expenses noted in contracts awarded on the former Fort Ord and to reflect the ENR CCI inflation factors. This routine procedure has been applied annually since the adoption of the CIP – excepting 2011, at Board direction. It is expected, according to the Phase II Review developer fee study just completed, that the recently adopted formulaic fee review will be applied and submitted for FORA Board consideration in spring 2014.

### 3) CIP Revenues

The primary CIP revenue sources are CFD special taxes fees, development fees, and land sale proceeds. These primary sources are augmented by loans, property taxes and grants. The CFD has been adjusted annually to account for inflation, with an annual cap of 5%. Development fees were established under FORA policy to govern fair share contributions to the basewide infrastructure and capital needs. The CFD implements a portion of the development fee policy and is restricted by State Law to paying for mitigations described in the BRP Final Environmental Impact Report ("FEIR"). The FORA CFD pays CIP costs including Transportation/Transit projects, Habitat Management obligations, Water Augmentation, Water and Wastewater Collection Systems improvements, Storm Drainage System improvements and Fire Fighting Enhancement improvements. Land sale proceeds are earmarked to cover costs associated with the Building Removal Program.

Tables 4 and 5 herein contain a tabulation of the proposed developments with their corresponding fee and land sale revenue forecasts. Capital project obligations are balanced against forecasted revenues on Table 3 of this document.

### 4) Projects Accomplished to Date

FORA has actively implemented capital improvement projects since 1995. As of this writing, FORA has completed approximately:

- a) \$75M in roadway improvements, including underground utility installation and landscaping, predominantly funded by US Department of Commerce – Economic Development Administration ("EDA") grants (with FORA paying any required local match), FORA CFD fees, loan proceeds, payments from participating jurisdictions/agencies, tax increment, and a FORA bond issue.
- b) \$75M in munitions and explosives of concern cleanup on the 3.3K acres of former Fort Ord Economic Development Conveyance property, funded by a U.S. Army grant.
- c) \$29M in building removal at the Dunes on Monterey Bay, East Garrison, Imjin Parkway and Imjin Office Park site.
- d) \$10M in Habitat Management and other capital improvements instrumental to base reuse, such as improvements to the water and wastewater systems, Water Augmentation obligations, and Fire Fighting Enhancement.

Section III provides detail regarding how completed projects offset FORA basewide obligations. As revenue is collected and offsets obligations, they will be enumerated in Tables 1 and 3.

This CIP provides the FORA Board, Administrative Committee, Finance Committee, jurisdictions, and the Monterey Regional Public with a comprehensive overview of the capital programs and expectations involved in former Fort Ord recovery programs. As well, the CIP offers a basis for annually reporting on FORA's compliance with its environmental mitigation obligations and policy decisions by the FORA Board. It is also accessed on the FORA website at: [www.fora.org](http://www.fora.org).

## II. OBLIGATORY PROGRAM OF PROJECTS – DESCRIPTION OF CIP ELEMENTS

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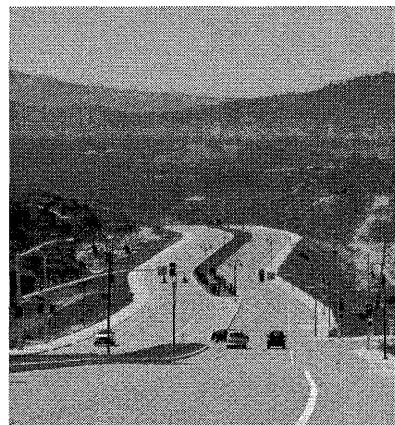
As noted in the Executive Summary, obligatory CIP elements include Transportation/Transit, Water Augmentation, Storm Drainage, Water and Wastewater Collection System, Habitat Management, Fire Fighting Enhancement and Building Removal. The first elements noted are to be funded by CFD/development fees. Land sale proceeds are earmarked to fund the Building Removal Program to the extent of FORA's building removal obligation. Beyond that obligation, land sale proceeds may be allocated to CIP projects by the FORA Board. Summary descriptions of each CIP element follow:

## a) Transportation/Transit

During the preparation of the BRP and associated FEIR, the Transportation Agency for Monterey County ("TAMC") undertook a regional study (The Fort Ord Regional Transportation Study, July 1997) to assess Fort Ord development impacts on the study area (North Monterey County) transportation network.

When the BRP and accompanying FEIR were adopted by the Board, the transportation and transit obligations as defined by the TAMC Study were also adopted as mitigations to traffic impacts resulting from development under the BRP.

The FORA Board subsequently included the Transportation/Transit element (obligation) as a requisite cost component of the adopted CFD. As implementation of the BRP continued, it became timely to coordinate with TAMC for a review and reallocation of the FORA financial contributions that appear on the list of transportation projects for which FORA has an obligation.



General Jim Moore Boulevard at Hilby Avenue; one of three intersections upgraded/opened in the City of Seaside

Toward that goal, and following Board direction to coordinate a work program with TAMC, FORA and TAMC entered into a cooperative agreement to move forward with re-evaluation of FORA's transportation obligations and related fee allocations. TAMC, working with the Association of Monterey Bay Area Governments ("AMBAG") and FORA, completed that re-evaluation. TAMC's recommendations are enumerated in the "FORA Fee Reallocation Study" dated April 8, 2005; the date the FORA Board of Directors approved the study for inclusion in the FORA CIP. The complete study can be found online at [www.fora.org](http://www.fora.org), under the Documents menu.

TAMC's work with AMBAG and FORA resulted in a refined list of FORA transportation obligations that are synchronous with the TAMC Regional Transportation Plan ("RTP"). Figure 1 illustrates the refined FORA transportation obligations that are further defined in Table 1. Figure 2 reflects completed transportation projects, remaining transportation projects with FORA as lead agency, and remaining transportation projects with others as lead agency (described below).

### Transit

The transit obligations enumerated in Table 1 remain unchanged from the 1997 TAMC Study and adopted BRP. However, current long range planning by TAMC and Monterey-Salinas Transit ("MST") reflect a preferred route for the multi-modal corridor than what was presented in the BRP, FEIR and previous CIPs. The BRP ~~currently provides~~ for a multi-modal corridor along Imjin Parkway/Blanco Road serving to and from the Salinas area to the TAMC/MST intermodal center planned at 8<sup>th</sup> Street and 1<sup>st</sup> Avenue in the City of Marina portion of the former Fort Ord. Long range planning for transit service ~~focuses on the~~ resulted in an alternative Intergarrison/Reservation/Davis Roads corridor to increase habitat protection and fulfill transit service needs between the Salinas area and Peninsula cities and campuses.

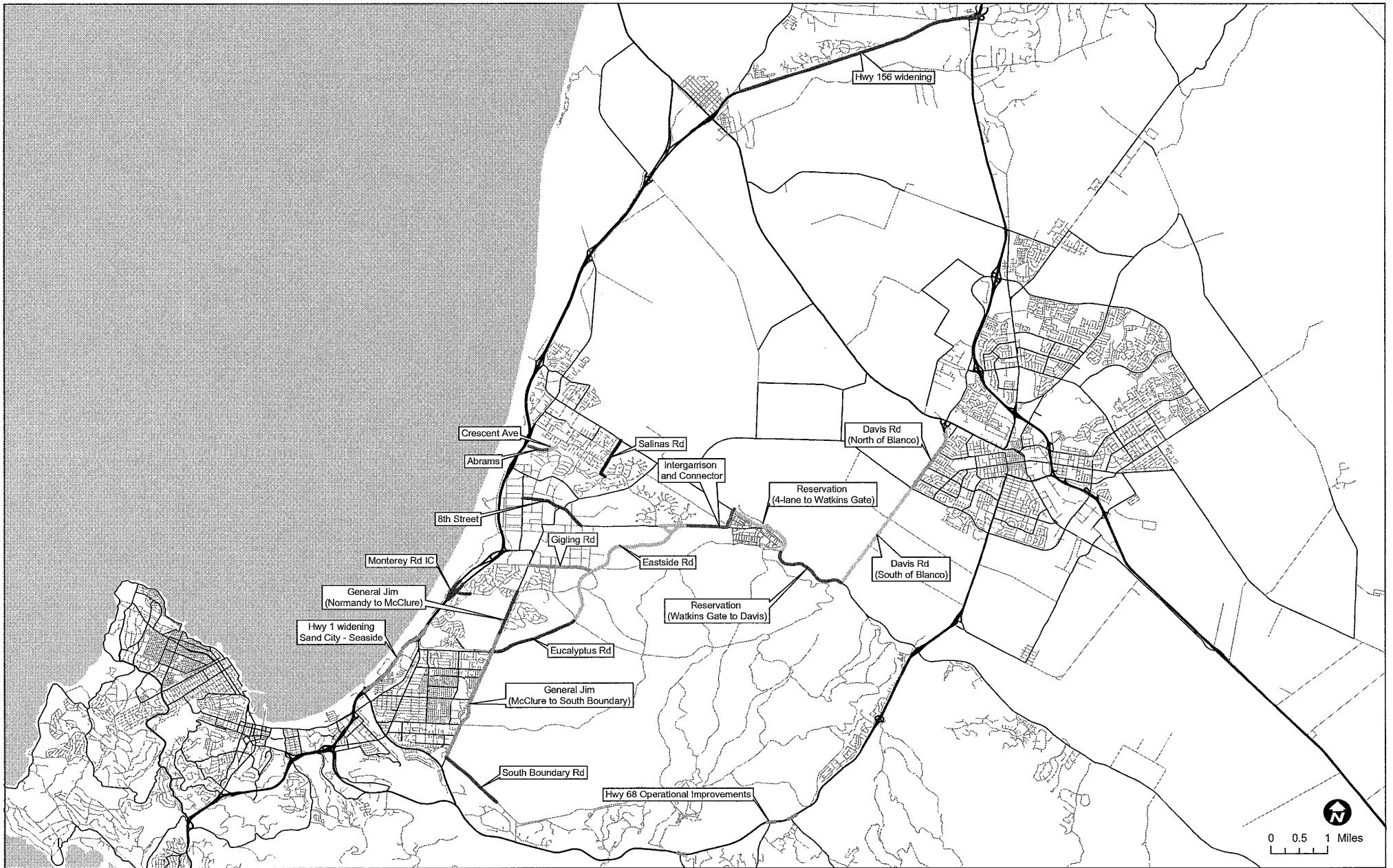
A series of stakeholder meetings ~~have been~~ were conducted to advance adjustments and refinements to the proposed multi-modal corridor plan-line. Stakeholders included, but ~~were~~ not limited to, TAMC, MST, FORA, City of Marina, Monterey County, California State University Monterey Bay ("CSUMB"), and the University of California Monterey Bay Education, Science and Technology Center. The stakeholders completed a Memorandum of Agreement ("MOA") outlining the new alignment of the multi-modal transit corridor plan line in February 2010. Since all stakeholders have signed the MOA, the FORA Board designated the new alignment and rescinded the original alignment on December 10, 2010.

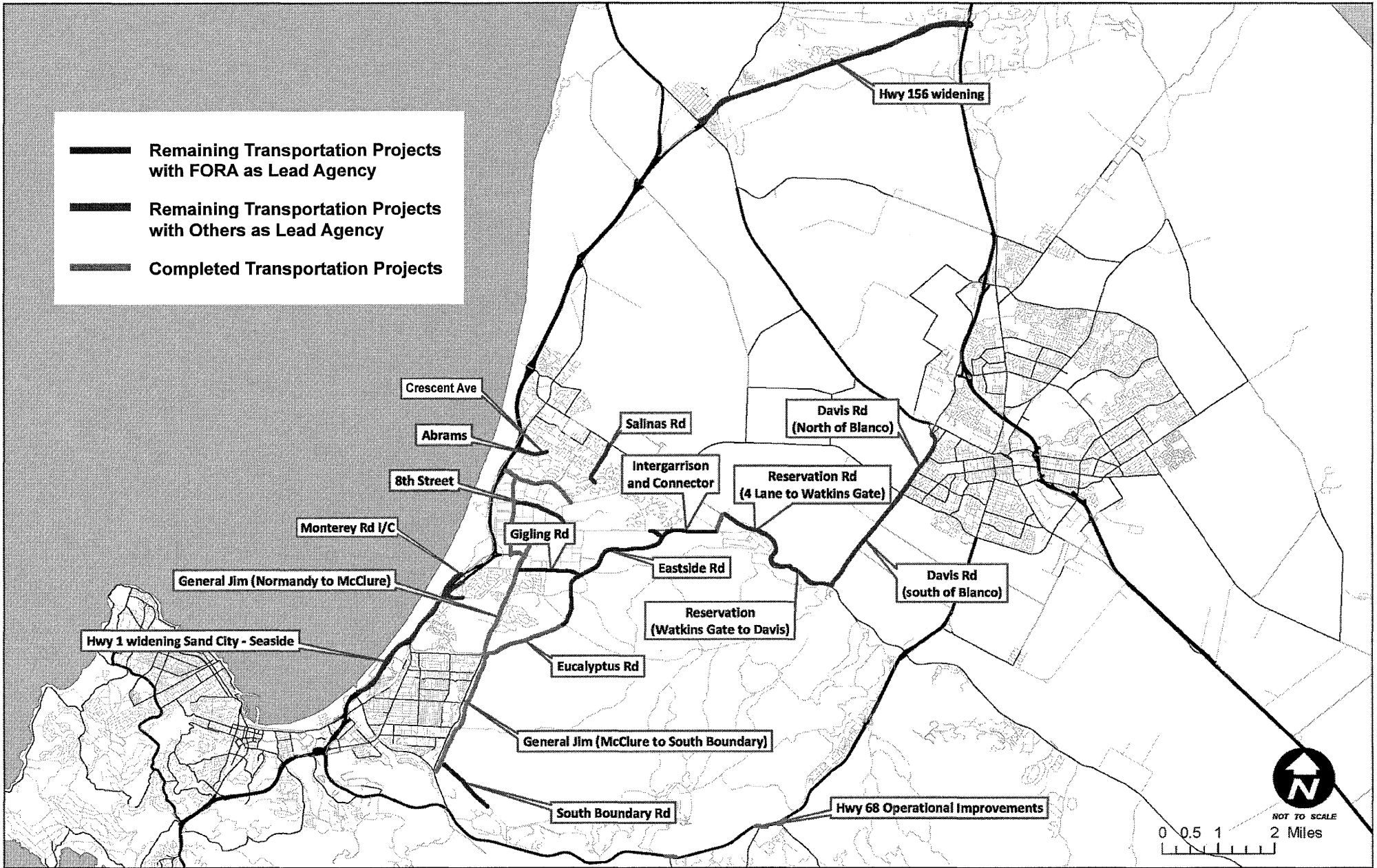
### **Lead Agency Status**

FORA has served as lead agency in accomplishing the design, environmental approval and construction activities for all capital improvements considered basewide obligations under the BRP and this CIP. As land transfers continue and development gains momentum, certain basewide capital improvements will be advanced by the land use jurisdictions and/or their developers.

As of this writing, reimbursement agreements are in place with Monterey County and the City of Marina for several FORA CIP transportation projects. Table 2 identifies those projects. FORA's obligation toward those projects is financial, as outlined in the reimbursement agreements. FORA's obligation toward projects for which it serves as lead agent is the actual project costs. Other like reimbursement agreements may be structured as development projects are implemented and those agreements will be noted for the record.







## b) Water Augmentation

The Fort Ord BRP identifies availability of water as a resource constraint. The BRP anticipated build out development density utilizes the 6,600 acre-feet per year ("AFY") of available groundwater supply, as described in BRP Appendix B (PFIP section p 3-63). In addition to groundwater supply, the BRP assumes an estimated 2,400 AFY augmentation to achieve the permitted development level as reflected in the BRP (Volume 3, figure PFIP 2-7).

FORA has contracted with Marina Coast Water District ("MCWD") to implement a water augmentation program. Following a comprehensive two-year process of evaluating viable options for water augmentation, the MCWD Board of Directors certified, in October 2004, a program level Environmental Impact Report ("EIR") analyzing three potential augmentation projects. The projects included a desalination project, a recycled water project and a hybrid project (containing components of both recycled water and desalination water projects).

In June 2005, MCWD staff and consultants, working with FORA staff and Administrative Committee, recommended the hybrid project to the FORA and MCWD Boards of Directors. Additionally, it was recommended that FORA-CIP ~~water augmentation funding~~ toward the former Fort Ord Water and Wastewater Collection Systems be increased by an additional \$17M to avert additional burden on rate payers due to increased capital costs.

Subsequently, several factors required reconsideration of the water augmentation program. Those factors included increased augmentation program project costs (as designs were refined); MCWD and the Monterey Regional Water Pollution Control Agency ("MRWPCA") negotiations regarding the recycled component of the project were not accomplished in a timely manner; and the significant economic downturn (2008-2012). These factors deferred the need for the augmentation program and provided an opportunity to consider the alternative "Regional Plan" as the preferred project for the water augmentation program.

At the April 2008 FORA Board meeting, the Board endorsed the Regional Plan as the preferred plan to deliver the requisite 2,400 AFY of augmenting water to the 6,600 AFY groundwater entitlements. Since that time, the Regional Plan was designated by the State Public Utilities Commission as the preferred environmental alternative and an agreement in principal to proceed entered into by Cal-Am, MCWD and MRWPCA. This agreement is unlikely to proceed under the present circumstances. MCWD is still contractually obligated to provide an augmented source for the former Fort Ord as distinct from the Regional Project. The proposed CIP defaults to the prior Board approved 'hybrid' project that MCWD has performed CEQA for and is contractually required to implement.

## c) Storm Drainage System Projects

The adopted BRP recognized the need to eliminate the discharge of storm water runoff from the former Fort Ord to the Monterey Bay National Marine Sanctuary ("Sanctuary"). In addition, the BRP FEIR specifically addressed the need to remove four storm water outfalls that discharged storm water runoff to the Sanctuary.

Section 4.5 of the FEIR, Hydrology and Water Quality, contains the following obligatory Conservation Element Program: ***"Hydrology and Water Quality Policy, C-6: In support of Monterey Bay's National Marine Sanctuary designation, the City/County shall support all actions required to ensure that the bay and inter-tidal environment will not be adversely affected, even if such actions should exceed state and federal water quality requirements."***

***"Program C-6.1: The City/County shall work closely with other Fort Ord jurisdictions and the California Department of Parks and Recreation ("CDPR") to develop and implement a plan for storm water disposal that will allow for the removal of the ocean outfall structures and end the direct discharge of storm water into the marine environment. The program must be consistent with State Park goals to maintain the open space character of the dunes, restore natural land forms and restore habitat values."***

With these programs/policies in mind, FORA and the City of Seaside, as co-applicants, secured EDA grants to assist in funding the design and construction of alternative disposal (retention) systems for storm water runoff that allowed for the removal of the outfalls. FORA completed the construction and demolition project as of January 2004. Table 3 reflects this obligation having been met.

In the future, following build-out of on-site storm water disposal facilities, FORA or its successor will remove, restore and re-grade the current, interim disposal sites on CDPR lands. The cost of this restoration is currently unknown and therefore presented as a CIP contingency.



Storm drainage outfall removal – Before and After

#### d) **Habitat Management Requirements**

The BRP Appendix A, Volume 2 contains the Draft Habitat Management Program (“HMP”) Implementing/Management Agreement. This Management Agreement defines the respective rights and obligations of FORA, its member agencies, California State University and the University of California with respect to implementation of the HMP. For the HMP to be implemented to allow FORA and its member agencies to meet the requirements of the Endangered Species Act, the California Endangered Species Act, and other statutes, the US Fish & Wildlife Service (“USFWS”) and the California Department of Fish & Wildlife (“CDFW”) must also approve the Fort Ord Habitat Conservation Plan (“HCP”) and its funding program, as paid for and caused to be prepared by FORA.

The funding program is predicated on an earnings rate assumption acceptable to USFWS and CDFW for endowments of this kind, and economies of scale provided by unified management of the Cooperative’s (the future HCP Joint Powers Authority) habitat lands by qualified non-profit habitat managers. The Cooperative will consist of the following members: FORA, County of Monterey, City of Marina, City of Seaside, City of Del Rey Oaks, City of Monterey, State Parks, University of California (“UC”), CSUMB, Monterey Peninsula College (“MPC”), Monterey Peninsula Regional Park District, and MCWD. The Cooperative will hold the HCP endowments, except in the case of the UC endowment, and secure the services of appropriately experienced habitat manager(s) via a formal selection process. The Cooperative FORA will not control expenditure of the annual line items, but merely FORA will fund the endowments, and the initial and capital costs, to the agreed upon levels.

FORA has provided upfront funding for management, planning, capital costs and HCP preparation. In addition, FORA has dedicated \$1 out of every \$4 collected in development fees to build to a total endowment of principal funds necessary to produce an annual income sufficient to carry out required habitat management responsibilities in perpetuity. The original estimate was developed by an independent consultant retained by FORA and totaled \$6.3M.

Based upon recent conversations with the regulatory agencies, it has become apparent that the Habitat Management obligations will increase beyond the costs noted above. Therefore, this document contains a ± \$39.15M line item of forecasted requisite expenditures (see Table 3 column

'2005-13' amount of \$5,654,084 plus column '2013-14 to Post FORA Total' amount of \$33,437,419). As part of the FY 2010-11 FORA CIP Review process conducted by EPS, TAMC and FORA, at the FORA Board's April 8, 2011 direction, included \$19.2 million as a CIP contingency for additional habitat management costs should the assumed earnings rate for the endowment be less than the current 4.5% assumption. USFWS and CDFW are the final arbiters as to what the final endowment amount will be, with input from FORA and its contractors/consultants. It is expected that the final endowment amount will be agreed upon in the upcoming fiscal year. FORA's annual operating budget has funded the annual costs of HCP preparation, including consultant contracts. HCP preparation is funded through non-CFD/development fee sources such as FORA's share of property taxes.

The current administrative draft HCP prepared in March 2012 includes a cost and funding chapter, which provides a planning-level cost estimate for HCP implementation and identifies necessary funds to pay for implementation. Concerning the annual costs necessary for HCP implementation and funded by FORA of approximately \$1.6 million, estimated in 2011 dollars, approximately 34% is associated with habitat management and restoration, 27% for program administration and reporting, 23% for species monitoring, and 16% for changed circumstances and other contingencies.

### **e) Fire Fighting Enhancement Requirements**

In July 2003, the FORA Board authorized FORA to lease-purchase five pieces of fire-fighting equipment, including four fire engines and one water tender to supplement the equipment of existing, local fire departments. The equipment recipients included the Cities of Marina, Monterey and Seaside, the Ord Military Community Fire Department and the Salinas Rural Fire Department.

This lease purchase of equipment accommodated FORA's capital obligations under the BRP to enhance the firefighting capabilities on the former Fort Ord in response to proposed development. The lease payments began July 2004, and will be paid through FY 2013/14. Once the lease payments, funded by developer fees, have been satisfied, FORA's obligation for fire-fighting enhancement will have been fully met.



Fire engines received by Fire Departments in the Cities of Marina, Monterey and Seaside and the Ord Military Community were utilized during the Parker Flats habitat burn in 2005

### **f) Building Removal Program**

As a basewide obligation, the BRP includes the removal of building stock to make way for redevelopment in certain areas of the former Fort Ord. The FORA Board established policy regarding building removal obligations with adoption of the FY 01/02 CIP. That policy defines FORA obligations and has been sustained since that time. For example, one of FORA's obligations includes some City of Seaside Surplus II buildings. The policy fixes the overall FORA's funding obligation to Surplus II at \$4M, and the City of Seaside decides which buildings to remove. The FORA Board additionally established criteria to address how the building removal program would proceed at Surplus II: 1) buildings must be within Economic Development Conveyance parcels; 2) building removal is required for redevelopment; 3) buildings are not programmed for reuse; and, 4) buildings along Gigling Road potentially fit the criteria. When the City of Seaside, working with any developer, determines which buildings should be removed, FORA would forego a portion of land sale proceeds in an amount commensurate with actual costs, up to \$4M (December 1996 Reimer Associates Fort Ord Demolition Study). All jurisdictions have been treated in a similar manner but have widely varying building removal needs that FORA does its best to accommodate with available funds.

As per Board direction, building removal is funded by land sale revenue and/or credited against land sale valuation. Two MOAs have been finalized for these purposes, as described below:

In August 2005 FORA entered into an MOA with the City of Marina Redevelopment Agency and Marina Community Partners ("MCP"), assigning FORA \$46M in building removal costs within the Dunes on Monterey Bay project area and MCP the responsibility for the actual removal. FORA paid \$22M and MCP received credits of \$24M for building removal costs against FORA's portion of the land sale proceeds. FORA's building removal obligation was completed as agreed by the City of Marina and MCP in 2007.

In February 2006 FORA entered into an MOA with Monterey County, the Monterey County Redevelopment Agency and East Garrison Partners ("EGP"). In this MOA, EGP agreed to undertake FORA's responsibility for removal of certain buildings in the East Garrison Specific Plan for which they received a credit of \$2.1M against FORA's portion of land sale proceeds. Building removal in the East Garrison project area is now complete. Since this agreement was made, the property was acquired by a new entity who is complying with the financial terms of the MOA.

FORA's remaining building removal obligations include the former Fort Ord stockade within the City of Marina ( $\pm$  \$2.2M) and as previously discussed, buildings in the City of Seaside's Surplus II area ( $\pm$  \$4M). In 2011, FORA, at the direction of the City of Seaside, removed a building in the Surplus II area which is explained in more detail in Appendix C. FORA will continue to work closely with the Cities of Marina and Seaside as new specific plans are prepared for those areas.

Since 1996 FORA has been aggressively reusing, redeveloping, and/or deconstructing former Fort Ord buildings in environmentally sensitive ways to reuse or reclaim significant building materials. FORA has worked closely with the regulatory agencies and local contractors to safely abate hazardous materials, maximize material reuse and recycling, and create an educated work force that can take advantage of the jobs created on Fort Ord. FORA, CSUMB and the jurisdictions continue to leverage the accumulated expertise and experience and focus on environmentally sensitive reuse, removal of structures, and recycling remnant structural and site materials, while applying lessons learned from past FORA efforts to "reduce, reuse and recycle" materials from Fort Ord structures as described in Appendix C.

#### **g) Water and Wastewater Collection Systems**

Following a competitive selection process in 1997, the FORA Board approved MCWD as the purveyor to own and operate water and wastewater collection systems on the former Fort Ord. By agreement with FORA, MCWD is tasked to assure that a Water and Wastewater Collection Systems Capital Improvement Program is in place and implemented to accommodate repair, replacement and expansion of the systems. To provide uninterrupted service to existing customers and to track with system expansion to keep pace with proposed development, MCWD and FORA staff coordinate system(s) needs with respect to anticipated development. MCWD is engaged in the FORA CIP process, and adjusts its program coincident with the FORA CIP.

In 2007, MCWD staff and consultants conducted a study of their rates, fees and charges to determine projected adjustments through five budget years. At the time, the study projected a significant increase to capacity charges to fund the improvements to and expansion of the former Fort Ord Water and Wastewater Collections Systems. The FORA Board made the policy decision to voluntarily increase the FORA CIP contribution toward this basewide obligation. Table 3 reflects this funding.

In 1997, the FORA Board established a Water and Wastewater Oversight Committee ("WWOC"), which serves in an advisory capacity to the Board. A primary function of the WWOC is to meet and confer with MCWD staff in the development of operating and capital budgets and the corresponding customer rate structures. Annually at budget time, the WWOC and FORA staff prepare recommended actions for the Board's consideration with respect to budget and rate approvals. This process provides a tracking mechanism to assure that improvements to, and expansion of, the systems are in sequence with development needs. Capital improvements for system(s) operations and improvements are funded by customer rates, fees and charges. Capital improvements for the system(s) are approved on

an annual basis by the MCWD and FORA Boards. Therefore, the water and wastewater capital improvements are not duplicated in this document.

#### **h) Property Management and Caretaker Costs**

During the EPS CIP Phase I Review process in FY 10/11, FORA jurisdictions expressed concern over accepting 1,200+ acres of former Fort Ord properties without sufficient resources to manage them. Since the late 1990's, FORA carried a CIP contingency line item for "caretaker costs." The EPS CIP Phase I Study identified \$16M in FORA CIP contingencies to cover such costs. These obligations are not BRP required CEQA mitigations, but are considered basewide obligations (similar to FORA's additional water augmentation program contribution and building removal obligation). In order to reduce contingencies, this \$16M item was excluded from the CIP cost structure used as the original basis for the 2011-12 CFD Special Tax fee reductions.

However, the Board recommended that a "Property Management/Caretaker Costs" line item be added as an obligation to cover basewide property management costs, should they be demonstrated.

As a result of EPS's CIP Review – Phase II Study analysis in FY 11/12 and FY 12/13, FORA has agreed to reimburse its five member jurisdictions up to \$660,000 in annual funding for these expenses based on past experience, provided sufficient land sales revenue is available and jurisdictions are able to demonstrate property management/caretaker costs. Additional detail concerning this analysis is provided under Appendix D. These expenses are shown in Table 5 – Land Sales as a deduction prior to net land sales proceeds. The expenses in this category (FY 13/14 through Post-FORA) are planning numbers and are not based on identified costs.

### **III. FY 2013/2014 THROUGH POST-FORA CAPITAL IMPROVEMENT PROGRAM**

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#### **Background Information/Summary Tables**

Table 1 graphically depicts fiscal offsets of completed projects that have reduced BRP obligations. Since 1995, FORA has advanced approximately \$75M in capital projects and BRP obligations. These projects have been predominantly funded by EDA grants, loan proceeds and developer fees. Developer fees are the primary funding source for FORA to continue meeting its mitigation obligations under the BRP. Table 1 includes fiscal offsets inclusive of not only completed projects, but also funded projects to-be-completed during the course of the next fiscal year. As previously noted, work concluded in conjunction with TAMC and AMBAG has resulted in modification of transportation obligations for consistency with current transportation planning at the regional level.

Table 2 details current TAMC recommendations that are compatible with the RTP, and "time places" transportation and transit obligations over the CIP time horizon.

A summary of the CIP project elements and their forecasted costs and revenues are presented in Table 3. Annual updates of the CIP will continue to contain like summaries and account for funding received and applied against required projects.

Table 4, Community Facilities District Revenue, reflects forecasted annual revenue from CFD fee collection. On an annual basis, FORA requests updated development forecasts from its member agencies as a component of FORA's CIP preparation process. The five land use jurisdictions and other agencies with land use authority on former Fort Ord provide updated development forecasts for Table A1: Residential Annual Land Use Construction and Table A2: Non-Residential Annual Land Use Construction (Appendix B). FORA staff reviews the submitted development forecasts to ensure that BRP resource limitations are met (i.e. 6,160 New Residential Unit limit, etc.). FORA staff may make adjustments to the forecasts based on past experience. In previous years, jurisdictions' forecasts have been overly optimistic. As a result, FORA staff included development forecasts as submitted for FY

13/14, but reduced forecasted development by 50% in FY 14/15 through FY 19/20 and placed the remaining 50% of the forecasts in the Post-FORA column at the end of the time horizon.

FORA staff applied the anticipated FORA CFD special tax/Development Fee Schedule rates as of July 1, 2013 to the forecasted development to produce Table 4 – Community Facilities District Revenue projections (see Appendix A for more information).

Table 5 - Land Sale Revenue reflects land sales projections resulting from EPS's CIP Review – Phase II Study. EPS projected future FORA land sales through June 30, 2020. EPS's land sales projections are shown in Table D-2 included in Attachment A to Item 7c CIP Review – Phase II Study, May 10, 2013 FORA Board Packet. For this FY 13/14 CIP, FORA staff based its land sale revenue forecasts using the same underlying assumptions as Table D-2. Using past land sales transactions on former Fort Ord where FORA received 50% of the proceeds, EPS determined an underlying land value of \$180,000 per acre of land. This value was applied to future available development acres to forecast land sale revenue, assuming the land sale would precede actual development by two years. Similar to Table 4 – CFD Revenue forecasts, FORA staff reduced the forecasted land sales revenue by 50% in FY 13/14 through FY 19/20 and placed the remaining 50% of the forecasts in the Post-FORA column at the end of the time horizon. As in Table D-2, FORA staff calculated FORA's 50% share of the projected land sales proceeds, then deducted estimated caretaker costs, FORA costs, and other obligations (Initiatives, Petitions, etc.) from the land sales revenue projections. Finally, FORA staff applied a discount rate of 5.3% prior to determining net FORA land sales proceeds.



**OBLIGATORY PROJECT OFFSETS AND REMAINING OBLIGATIONS**

Project #	Project Title	Project Limits	TAMC Reallocation Study 2005		FORA Offsets 2005-2013	FORA Remaining Obligation	FORA Remaining Obligation Inflated
			TOTAL COST	FORA PORTION			
<b>Regional Improvements</b>							
R3	Hwy 1-Seaside Sand City	Widen highway 1 from 4 lanes to 6 lanes from Fremont Avenue Interchange south to the Del Monte Interchange	45,000,000	15,282,245	-	20,751,313	21,332,350
R10	Hwy 1-Monterey Rd. Interchange	Construct new interchange at Monterey Road	19,100,000	2,496,648	-	3,390,125	3,485,049
R11	Hwy 156-Freeway Upgrade	Widen existing highway to 4 lanes and upgrade highway to freeway status with appropriate interchanges. Interchange modification as needed at US 156 and 101	197,000,000	7,092,169	-	9,630,249	9,899,896
R12	Hwy 68 Operational Improvements	Operational improvements at San Benancio, Laureles Grade and at Corral De Tierra including left turn lanes and improved signal timing	9,876,000	223,660	-	303,701	312,205
Subtotal Regional			270,976,000	25,094,722	-	34,075,388	35,029,499
<b>Off-Site Improvements</b>							
1	Davis Rd n/o Blanco	Widen to 4 lanes from the SR 183 bridge to Blanco	3,151,000	506,958	-	688,383	707,658
2B	Davis Rd s/o Blanco	Widen to 4 lanes from Blanco to Reservation; Build 4 lane bridge over Salinas River	22,555,000	8,654,502	280,000	11,456,309	11,777,085
4D	Widen Reservation-4 lanes to WG	Widen to 4 lanes from existing 4 lane section East Garrison Gate to Watkins Gate	10,100,000	3,813,916	476,584	4,618,511	4,747,829
4E	Widen Reservation, WG to Davis	Widen to 4 lanes from Watkins Gate to Davis Rd	5,500,000	2,216,321	-	3,009,477	3,093,742
8	Crescent Ave extend to Abrams	Extend existing Crescent Court Southerly to join proposed Abrams Dr (FO2)	906,948	906,948	-	1,231,518	1,266,001
Subtotal Off-Site			42,212,948	16,098,645	756,584	21,004,198	21,592,315
<b>On-Site Improvements</b>							
FO2	Abrams	Construct a new 2-lane arterial from intersection with 2nd Ave easterly to intersection with Crescent Court extension	759,569	759,569	-	1,031,396	1,060,275
FO5	8th Street	Upgrade/construct new 2-lane arterial from 2 <sup>nd</sup> Ave to Intergarrison Rd	4,340,000	4,340,000	-	5,853,541	6,017,440
FO6	Intergarrison	Upgrade to a 4-lane arterial from Eastside Rd to Reservation	4,260,000	4,260,000	1,559,469	3,968,783	4,079,909
FO7	Gigling	Upgrade/Construct new 4-lane arterial from General Jim Moore Blvd easterly to Eastside Rd	5,722,640	5,722,640	353,510	7,336,934	7,542,368
FO9B (Ph-II)	GJM Blvd-Normandy to McClure	Widen from 2 to 4 lanes from Normandy Rd to McClure			6,252,156	-	-
FO9B (Ph-III) [1]	GJM Blvd-s/o McClure to s/o Coe	Widen from 2 to 4 lanes from McClure to Coe	24,065,000	24,065,000		3,476,974	-
FO9C	GJM Blvd-s/o Coe to S Boundary	Widen from 2 to 4 lanes from s/o Coe to South Boundary Rd			13,375,935	959,935	986,813
FO11	Salinas Ave	Construct new 2 lane arterial from Reservation Rd southerly to Abrams Dr	3,038,276	3,038,276	-	4,125,586	4,241,102
FO12	Eucalyptus Rd	Upgrade to 2 lane collector from General Jim Moore Blvd to Eastside Rd to Parker Flats cut-off	5,800,000	5,800,000	5,328,055	471,945	485,159
FO13B	Eastside Pkwy (New alignment)	Construct new 2 lane arterial from Eucalyptus Rd to Parker Flats cut-off to Schoonover Dr	12,536,370	12,536,370	510,000	16,488,852	16,950,540
FO14	S Boundary Road Upgrade	Upgrade to a 2 lane arterial, along existing alignment from General Jim Moore Blvd to York Rd	2,515,064	2,515,064	338,986	2,992,283	3,076,067
Subtotal On-Site			63,036,919	63,036,919	31,195,085	43,229,255	44,439,674
<b>Transportation Totals</b>			<b>376,225,867</b>	<b>104,230,286</b>	<b>31,951,669</b>	<b>98,308,841</b>	<b>101,061,488</b>
[1] Remaining construction may be phased in future CIP documents based on available funds and habitat/environmental clearance.							
<b>Transit Capital Improvements</b>							
T3	Transit Vehicle Purchase/Replace	15 busses	15,000,000	6,298,254	279,950	8,213,548	8,443,527
T22	Intermodal Centers	(PFIP T-31) includes 3 elements: 1. Intermodal Transportation Center @ 1st Avenue South of 8th. Street 2. Park and Ride Facility @ 12th Street and Imjin, and 3. Park and Ride Facility @ 8th. Street and Gigling	3,800,000	4,786,673		6,499,682	6,681,673
Transit Totals			18,800,000	11,084,926	279,950	14,713,230	15,125,200
<b>Transportation/Transit Totals</b>			<b>395,025,867</b>	<b>115,315,212</b>	<b>32,231,619</b>	<b>113,022,071</b>	<b>116,186,689</b>
<b>Previous Offsets 1995 - 2004</b>							
<b>1. Transportation/Transit - TAMC Study 1995</b>							
FORA offsets against obligations for transportation/transit network per 1995 TAMC Study from 1995-2004. Funded by EDA grant funds, state and local matching funds, revenue bond proceeds, development fees.						32,235,648	
<b>2. Storm Drainage System</b>							
Retain/Percolate stormwater; eliminate discharge of stormwater to Monterey Bay Sanctuary. Project completed/financial obligation met in 2004. Funded by EDA grant proceeds.						1,631,951	
<b>TOTAL CUMULATIVE OFFSETS AGAINST TRANSPORTATION/TRANSIT AND STORM DRAINAGE PROJECTS TO DATE</b>						<b>66,099,218</b>	

**TRANSPORTATION NETWORK AND TRANSIT ELEMENTS**

Lead Agency		Regional Improvements										
Proj#	Description	2013-2014	2014-2015	2015-2016	2016-2017	2017-2018	2018-2019	2019-2020	POST FORA	TOTALS	Proj#	
TAMC/Caltrans	R3a	Hwy 1-Del Monte-Fremont-MBL						8,500,000	12,832,350	21,332,350	R3	
TAMC/Caltrans	R10	Hwy 1-Monterey Rd. Interchange				3,485,049				3,485,049	R10	
TAMC/Caltrans	R11	Hwy 156-Freeway Upgrade					7,040,447	2,859,449		9,899,896	R11	
TAMC/Caltrans	R12	Hwy 68 Operational Improvements	312,205							312,205	R12	
<b>Subtotal Regional</b>		<b>312,205</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>3,485,049</b>	<b>7,040,447</b>	<b>11,359,449</b>	<b>12,832,350</b>	<b>35,029,500</b>		

Off-Site Improvements		Proj#	Description	2013-2014	2014-2015	2015-2016	2016-2017	2017-2018	2018-2019	2019-2020	POST FORA	TOTALS	Proj#
Monterey County	1	Davis Rd north of Blanco		707,658								707,658	1
Monterey County	2B	Davis Rd south of Blanco	472,199	48,116		6,500,000			1,000,000		3,756,770	11,777,085	2B
Monterey County	4D	Widen Reservation-4 lanes to WG						3,019,397	1,728,432			4,747,829	4D
Monterey County	4E	Widen Reservation, WG to Davis		616,220	616,220	1,861,302						3,093,742	4E
City of Marina	8	Crescent Ave extend to Abrams		1,266,001								1,266,001	8
<b>Subtotal Off-Site</b>		<b>472,199</b>	<b>2,637,995</b>	<b>616,220</b>	<b>8,361,302</b>	<b>3,019,397</b>	<b>2,728,432</b>	<b>-</b>	<b>3,756,770</b>	<b>21,592,315</b>			

On-Site Improvements		Proj#	Description	2013-2014	2014-2015	2015-2016	2016-2017	2017-2018	2018-2019	2019-2020	POST FORA	TOTALS	Proj#
City of Marina	FO2	Abrams							1,060,275			1,060,275	FO2
City of Marina	FO5	8th Street		1,000,000	424,585	680,000	1,000,000	2,912,855				6,017,440	FO5
FORA	FO6	Intergarrison		4,063,240	16,669							4,079,909	FO6
FORA	FO7	Gigling		3,755,777	30,815						3,755,776	7,542,368	FO7
FORA	FO9C	GJM Blvd		986,813								986,813	FO9C
City of Marina	FO11	Salinas Ave		29,505						4,211,598		4,241,103	FO11
FORA	FO12	Eucalyptus Road			485,159							485,159	FO12
FORA	FO13B	Eastside Parkway		8,440,644	8,509,896							16,950,540	FO13B
FORA	FO14	South Boundary Road Upgrade	306,350	2,769,717								3,076,067	FO14
<b>Subtotal On-Site</b>		<b>306,350</b>	<b>21,045,696</b>	<b>9,467,124</b>	<b>680,000</b>	<b>1,000,000</b>	<b>3,973,130</b>	<b>-</b>	<b>7,967,374</b>	<b>44,439,674</b>			

<b>Transportation Totals</b>	<b>1,090,754</b>	<b>23,683,691</b>	<b>10,083,344</b>	<b>9,041,302</b>	<b>7,504,446</b>	<b>13,742,009</b>	<b>11,359,449</b>	<b>24,556,494</b>	<b>101,061,489</b>
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Transit Capital Improvements		Proj#	Description	2013-2014	2014-2015	2015-2016	2016-2017	2017-2018	2018-2019	2019-2020	POST FORA	TOTALS	Proj#
MST	T3	Transit Vehicle Purchase/Replace	99,000	99,000	99,000	4,904,023			1,742,504	1,500,000		8,443,527	T3
MST	T22	Intermodal Centers					5,654,374	1,027,299		-		6,681,673	T22
<b>Subtotal Transit</b>		<b>99,000</b>	<b>99,000</b>	<b>99,000</b>	<b>4,904,023</b>	<b>5,654,374</b>	<b>2,769,803</b>	<b>1,500,000</b>	<b>-</b>	<b>15,125,200</b>			

<b>Transportation and Transit GRAND TOTALS</b>	<b>1,189,754</b>	<b>23,782,691</b>	<b>10,182,344</b>	<b>13,945,325</b>	<b>13,158,820</b>	<b>16,511,812</b>	<b>12,859,449</b>	<b>24,556,494</b>	<b>116,186,689</b>
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**SUMMARY OF CAPITAL IMPROVEMENT PROGRAM 2013/14 - POST FORA**

	2005-13 (1)	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20	Post FORA	2013-14 to Post FORA Total
<b>A. CIP PROJECTS FUNDED BY CFD DEVELOPMENT FEES</b>										
<b>Dedicated Revenues</b>										
Development Fees	22,616,336	11,090,443	17,486,000	28,276,000	34,399,000	31,258,000	26,797,000	24,218,000	26,123,000	199,647,443
<b>Other Revenues</b>										
Property Taxes (2)	5,796,078	-	117,413	466,598	1,324,929	2,346,416	3,235,260	3,917,529	4,352,202	15,760,348
Loan Proceeds (3)	7,926,754									-
Federal Grants (4)	6,426,754		1,000,000							1,000,000
CSU Mitigation fees	2,326,795									-
Miscellaneous Revenues (Rev Bonds, CFD credit) (11)	2,762,724									-
<b>TOTAL REVENUES</b>	<b>47,855,441</b>	<b>11,090,443</b>	<b>18,603,413</b>	<b>28,742,598</b>	<b>35,723,929</b>	<b>33,604,416</b>	<b>30,032,260</b>	<b>28,135,529</b>	<b>30,475,202</b>	<b>216,407,791</b>
<b>Expenditures</b>										
<b>Projects</b>										
Transportation/Transit	32,231,619	1,189,754	23,782,691	10,182,344	13,945,325	13,158,820	16,511,812	12,859,449	24,556,494	116,186,689
Water Augmentation (5) CEQA Mitigation	561,780								23,452,781	23,452,781
Voluntary Contribution	-		3,600,000	3,600,000	3,600,000	3,600,000	3,600,000	3,600,000	55,302	21,655,302
Storm Drainage System [Completed by 2005] (6)	[Table 1]									-
Habitat Management (7)	5,654,084	2,772,611	4,371,500	7,069,000	8,599,750	7,814,500	2,810,058			33,437,419
Fire Rolling Stock	1,044,000	116,000								116,000
Property Management/Caretaker Costs (8)	20,000									-
<b>Total Projects</b>	<b>39,511,482</b>	<b>4,078,365</b>	<b>31,754,191</b>	<b>20,851,344</b>	<b>26,145,075</b>	<b>24,573,320</b>	<b>22,921,870</b>	<b>16,459,449</b>	<b>48,064,577</b>	<b>194,848,191</b>
<b>Other Costs &amp; Contingency (9)</b>										
Additional CIP Costs	3,310,610	-	-	-	-	-	-	-	16,905,000	16,905,000
Habitat Mgt. Contingency	755,920	86,250	-	-	-	-	-	-	19,075,191	19,161,441
Add. Util. & Storm Drainage	-	-	-	-	-	-	-	-	3,500,000	3,500,000
Other Costs (Debt Service) (14)	1,679,296	8,200,004	-	-	-	-	-	-	1,234,176	9,434,180
<b>Total Other Costs &amp; Contingency</b>	<b>5,745,826</b>	<b>8,286,254</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>40,714,367</b>	<b>49,000,621</b>
<b>TOTAL EXPENDITURES</b>	<b>45,257,309</b>	<b>12,364,619</b>	<b>31,754,191</b>	<b>20,851,344</b>	<b>26,145,075</b>	<b>24,573,320</b>	<b>22,921,870</b>	<b>16,459,449</b>	<b>88,778,944</b>	<b>243,848,812</b>
<b>Net Annual Revenue</b>		(1,274,176)	(13,150,778)	7,891,254	9,578,854	9,031,096	7,110,390	11,676,080	(58,303,742)	
<b>Beginning Balance</b>		2,598,132	1,323,956	(11,826,822)	(3,935,568)	5,643,286	14,674,383	21,784,773	33,460,853	
<b>Ending Balance CFD &amp; Other</b>	<b>2,598,132</b>	<b>1,323,956</b>	<b>(11,826,822)</b>	<b>(3,935,568)</b>	<b>5,643,286</b>	<b>14,674,383</b>	<b>21,784,773</b>	<b>33,460,853</b>	<b>(24,842,889)</b>	<b>(24,842,889)</b>
<b>B. CIP PROJECTS FUNDED BY LAND SALE REVENUES</b>										
<b>Dedicated Revenues</b>										
Land Sales (10)	14,710,690	6,291,800	34,792,582	6,150,989	4,788,211	1,334,859	2,516,448	2,445,207	-	58,320,097
Land Sales - Credits (11)	6,767,300			6,750,000	-	-	12,659,700	-	-	19,409,700
Other Revenues (12)	1,425,000									-
Loan Proceeds (3)	7,500,000									-
<b>Total Revenues</b>	<b>30,402,990</b>	<b>6,291,800</b>	<b>34,792,582</b>	<b>12,900,989</b>	<b>4,788,211</b>	<b>1,334,859</b>	<b>15,176,148</b>	<b>2,445,207</b>	<b>-</b>	<b>77,729,797</b>
<b>Expenditures</b>										
<b>Projects (13)</b>										
Building Removal	28,767,300	-	4,000,000	8,950,000			12,659,700	-	-	25,609,700
Other Costs (Debt Service) (14)	-	-	18,200,000	-	-	-	-	-	-	18,200,000
<b>TOTAL PROJECTS</b>	<b>28,767,300</b>	<b>-</b>	<b>22,200,000</b>	<b>8,950,000</b>	<b>-</b>	<b>-</b>	<b>12,659,700</b>	<b>-</b>	<b>-</b>	<b>43,809,700</b>
<b>Net Annual Revenue</b>	<b>1,635,690</b>	<b>6,291,800</b>	<b>12,592,582</b>	<b>3,950,989</b>	<b>4,788,211</b>	<b>1,334,859</b>	<b>2,516,448</b>	<b>2,445,207</b>	<b>-</b>	<b>33,920,097</b>
<b>Beginning Balance</b>	<b>-</b>	<b>1,635,690</b>	<b>7,927,490</b>	<b>20,520,072</b>	<b>24,471,062</b>	<b>29,259,273</b>	<b>30,594,132</b>	<b>33,110,580</b>	<b>35,555,787</b>	<b>1,635,690</b>
<b>Ending Balance Land Sales &amp; Other</b>	<b>1,635,690</b>	<b>7,927,490</b>	<b>20,520,072</b>	<b>24,471,062</b>	<b>29,259,273</b>	<b>30,594,132</b>	<b>33,110,580</b>	<b>35,555,787</b>	<b>35,555,787</b>	<b>35,555,787</b>
<b>TOTAL ENDING BALANCE-ALL PROJECTS</b>		<b>9,251,446</b>	<b>8,693,250</b>	<b>20,535,494</b>	<b>34,902,559</b>	<b>45,268,515</b>	<b>54,895,353</b>	<b>69,016,641</b>	<b>10,712,899</b>	<b>10,712,899</b>

### Table 3 CIP Summary Table Footnotes

- (1) This column summarizes CIP revenues and expenses from July 2005 through June 2013. These totals are not included in the 2013-14 to Post FORA totals.
- (2) "Property Taxes (former Tax Increment)" revenue has been designated for operations and as a back-up to FORA CIP projects; to date, approximately \$5.8M was spent on ET/ESCA change orders and CIP road projects.
- (3) "Loan Proceeds": In FY 05-06 FORA obtained a line of credit ("LOC") to ensure CIP obligations be met despite cash flow fluctuations. The LOC draw-downs were used to pay road design, construction and building removal costs and were partially repaid by available CIP funding sources. In FY 09-10 FORA repaid the remaining \$9M LOC debt (\$1.5M in transportation and \$7.5M in building removal) through a loan secured by FORA's share of Preston Park. The loan also provided \$6.4M matching funds to US Department of Commerce EDA/American Recovery and Reinvestment Act ("ARRA") grant funds.
- (4) "Federal grants": In FY 2010 FORA received ARRA funding to finance construction of General Jim Moore Boulevard ("GJMB") and Eucalyptus Road. FORA obtained a loan against its 50% share in Preston Park revenues to provide required match to the ARRA grant (see #3 "Loan Proceeds").
- (5) "Water Augmentation" is FORA's financial obligation for the approved water augmentation project. The original CEQA obligation (\$23,452,781) is included in the total. The FORA Board approved an additional contribution (\$21,655,302) to keep MCWD capacity charges in check. Please refer to Section II b) Water Augmentation.
- (6) FORA's "Storm Water Drainage System" mitigation has been retired. Through agreement with the California Department of Parks and Recreation, FORA is obligated to remove storm water disposal facilities west of Highway 1 following replacement of the outfall storm drains with on-site storm water disposal. Funding for this work is shown under Other Costs & Contingencies.
- (7) "Habitat Management" amounts are estimates. Habitat management endowment final amount is subject to approval by USFWS and CDFW. Please refer to Section II d) Habitat Management Requirements.
- (8) "Property Management/Caretaker Costs" amounts are deducted from net land sales revenue. As a result of EPS's CIP Review – Phase II Study analysis, FORA has agreed to reimburse its five member jurisdictions up to \$660,000 in annual funding for these expenses, provided sufficient land sales/lease revenue is available and jurisdictions are able to demonstrate property management/caretaker costs. Please refer to Section II h) Property Maintenance and Caretaker Costs.
- (9) "Other Costs & Contingencies" are subject to cash flow and demonstrated need. Primarily, this item is not funded until distant "out-years" of the program.  
"Additional Transportation Costs" are potential and unknown additional basewide expenditures not included in current cost estimates for transportation projects (e.g. contract change orders to the ESCA, street landscaping, unknown site conditions, project changes, habitat/environmental mitigation, etc.)  
"Habitat Management Contingency" provides interim funding for the University of California Fort Ord Natural Reserve until adoption of the HCP and as a result of CIP Review policy decisions, includes sufficient funding for Habitat Conservation Plan endowments should a lower endowment payout rate be required by Regulatory Agencies.  
"Additional Utility and Storm Drainage Costs" provides for restoration of storm drainage sites in State Parks land and relocation of utilities.
- (10) "Land Sales" revenue projections were evaluated by EPS as a component of their CIP Review – Phase II Study. The same approach of determining a residual land value factor based on past FORA or Land Use Jurisdictions' land sales transactions (resulting in \$180,000 per acre) was used. The factor was then applied to non-transacted remaining development acres. The land sales revenue projections shown are net revenue after deducting identified costs, which include \$660,000 annually in property management/caretaker costs (obligation reduced as land is reused) and \$250,000 annually in other obligations (Initiatives, Petitions, Etc.)..

- (11) "CFD/Land Sales – Credit" is credit due specific developers who perform roadway improvements/building removal by agreement with FORA. The value of the work is subtracted from the developer's CFD fee/land sale proceeds due FORA. Regarding CFD fees, FORA entered into agreement with East Garrison Partners for a total credit of \$2,075,621. Regarding land sale proceeds, FORA entered into two such agreements with Marina Community Partners (\$24M) and East Garrison Partners (\$2.1M) for a total land sale credit of \$26,177,000.
- (12) "Other Revenues" applied against building removal include Abrams B loan repayment of \$1,425,000.
- (13) "Projects" total include building removal at 1) Dunes on Monterey Bay (\$46M), 2) Imjin Office (\$400K), 3) East Garrison (\$2.177M), and remaining to be completed 4) Stockade (\$2.2M), and 5) Surplus II (\$4M).
- (14) " Other Costs (Debt Service)" payment of borrowed funds, principal and interest (see #3 "Loan Proceeds"). The \$7.6M repayment of remaining principal by FORA Development Fees/CFD special taxes, anticipated in FY 13-14, will be retained in the FORA Reserve fund. On May 10, 2013, the FORA Board approved a 23.6% reduction in the Basewide FORA Development Fee Schedule and FORA CFD special tax as a result of EPS's CIP Review - Phase II Study. The study showed that FORA operations costs through 2020 will be offset by the \$7.6M loan repayment from FORA Development Fees/CFD special taxes. The actual Preston Park loan will be paid off upon Preston Park disposition.

**TABLE 4  
Community Facilities District Revenue**

Jurisdiction	2013-14 to		2013-14	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20	Post-FORA	
	Post FORA	Total									
<b><u>New Residential</u></b>											
Marina Heights (3)	1050	MAR	\$ 28,538,000	\$ 544,000	\$ 2,066,000	\$ 3,914,000	\$ 4,892,000	\$ 5,055,000	\$ 4,892,000	\$ 3,832,000	\$ 3,343,000
The Promontory (1)	0	MAR	236,000	-	236,000	-	-	-	-	-	-
Dunes on Monterey Bay (3)	1237	MAR	30,685,000	1,250,000	2,664,000	4,403,000	4,892,000	4,892,000	4,892,000	4,892,000	2,800,000
TAMC TOD (1)	200	MAR	5,436,000	-	-	-	2,718,000	2,718,000	-	-	-
CSUMB North Campus Housing (1)	0	CSU/MAR	669,000	-	-	-	-	204,000	204,000	204,000	57,000
UC 8th Street (1)	240	UC/MCO	6,522,000	-	-	-	1,087,000	1,087,000	1,087,000	1,087,000	2,174,000
East Garrison I (3)	1470	MCO	36,992,000	5,599,000	6,387,000	4,892,000	5,572,000	5,300,000	4,621,000	4,621,000	-
Monterey Horse Park (1)	400	MCO	10,872,000	-	-	-	-	2,718,000	2,718,000	-	5,436,000
Monterey Horse Park (1)	515	SEA	13,999,000	-	-	-	680,000	1,359,000	1,359,000	2,039,000	8,562,000
UC East Campus - SF (1)	0	UC/MCO	0	-	-	-	-	-	-	-	-
UC East Campus - MF (1)	0	UC/MCO	0	-	-	-	-	-	-	-	-
Seaside Highlands (4)	152	SEA	0	-	-	-	-	-	-	-	-
Seaside Resort Housing (3)	125	SEA	3,316,000	27,000	27,000	27,000	82,000	163,000	1,495,000	1,495,000	-
Seaside Housing (Eastside) (1)	0	SEA	0	-	-	-	-	-	-	-	-
Seaside Affordable Housing Obligation (1)	72	SEA	1,957,000	-	-	-	-	-	-	1,957,000	-
Workforce Housing (Army to Build) (1)	0	SEA	0	-	-	-	-	-	-	-	-
Market Rate Housing (Army to Build) (1)	0	SEA	0	-	-	-	-	-	-	-	-
Workforce Housing (Seaside) (1)	0	SEA	0	-	-	-	-	-	-	-	-
Del Rey Oaks (1)	691	DRO	18,781,000	-	3,533,000	7,801,000	7,447,000	-	-	-	-
Other Residential	8	Various	0	-	-	-	-	-	-	-	-
	6160		0								
<b><u>Existing/Replacement Residential</u></b>											
Preston Park (4)	352	MAR	3,265,443	\$ 3,265,443	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Cypress Knolls (1)	400	MAR	10,872,000	-	-	-	2,718,000	2,718,000	2,718,000	2,718,000	-
Patton Park (3)		MAR	0	-	-	-	-	-	-	-	-
Abrams B (4)		MAR	0	-	-	-	-	-	-	-	-
Shelter Outreach Plus (4) & (1)		MAR	0	-	-	-	-	-	-	-	-
Sunbay (4)		SEA	0	-	-	-	-	-	-	-	-
Stillwell Kidney - WFH (Army to Build) (1)		SEA	0	-	-	-	-	-	-	-	-
<b><u>Office</u></b>											
Del Rey Oaks Office (1)		DRO	46,000	\$ -	\$ 23,000	\$ -	\$ 23,000	\$ -	\$ -	\$ -	\$ -
Monterey City Office (1)		MRY	103,000	-	-	17,000	17,000	30,000	13,000	13,000	13,000
Monterey County Office		MCO	0	-	-	-	-	-	-	-	-
Horse Park (1)		MCO	12,000	-	-	6,000	6,000	-	-	-	-
Landfill Commercial Development (1)		MCO	0	-	-	-	-	-	-	-	-
Intergarrison Rd Office Park (1)		MCO	0	-	-	-	-	-	-	-	-
East Garrison I Office Development (3)		MCO	8,000	1,000	3,000	3,000	1,000	-	-	-	-
MST Bus Maint & Opns Facility (1)		MCO	0	-	-	-	-	-	-	-	-
Imjin Office Park (3)		MAR	2,000	2,000	-	-	-	-	-	-	-
Dunes on Monterey Bay (3)		MAR	168,000	35,000	-	12,000	12,000	-	23,000	23,000	63,000
Cypress Knolls Community Center (1)		MAR	4,000	-	-	-	4,000	-	-	-	-
Interim Inc. - Rockrose Gardens (3)		MAR	3,000	3,000	-	-	-	-	-	-	-
TAMC TOD (office/public facilities) (1)		MAR	10,000	-	-	5,000	5,000	-	-	-	-
Main Gate Conference (1)		SEA	6,000	-	-	-	-	-	6,000	-	-
Seaside Office (Monterey Blues) (1)		SEA	0	-	-	-	-	-	-	-	-
Chartwell School (1)		SEA	0	-	-	-	-	-	-	-	-
Monterey Peninsula Trade & Conf Cntr (1)		SEA	58,000	-	-	-	-	-	-	58,000	-
Seaside Resort Golf Buildings (3)		SEA	0	-	-	-	-	-	-	-	-
UC East Campus (1)		UC/MCO	0	-	-	-	-	-	-	-	-
UC Central South Campus (1)		UC/MAR	23,000	-	-	-	-	23,000	-	-	-
UC Central North & West Campuses (1)		UC/MAR	63,000	-	-	9,000	9,000	9,000	9,000	9,000	18,000
<b><u>Industrial</u></b>											
Airport Economic Development Area (1)		MAR	48,000	\$ -	\$ 6,000.00	\$ 6,000.00	\$ 6,000.00	\$ 6,000.00	\$ 6,000.00	\$ 6,000.00	\$ 12,000.00
Industrial - City Corp. Yard (1)		MAR	0	-	-	-	-	-	-	-	-

**TABLE 4  
Community Facilities District Revenue**

	Jurisdiction	2013-14 to Post FORA Total	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20	Post-FORA
TAMC TOD (1)	MAR	8,000	\$ -	\$ -	\$ 4,000.00	\$ 4,000.00	\$ -	\$ -	\$ -	\$ -
Dunes on Monterey Bay (3)	MAR	0	-	-	-	-	-	-	-	-
Industrial - City Corp. Yard (1)	MRY	103,000	-	-	10,000	10,000	26,000	16,000	16,000	25,000
Industrial - Public/Private (1)	MRY	0	-	-	-	-	-	-	-	-
Monterey County Light Ind. (1)	MCO	0	-	-	-	-	-	-	-	-
Horse Park (1)	MCO	27,000	-	-	10,000	10,000	7,000	-	-	-
Landfill Industrial Park (1)	MCO	0	-	-	-	-	-	-	-	-
MST Bus Maint & Opns Facility (1)	MCO	0	-	-	-	-	-	-	-	-
Seaside Corp Yard Shop (1)	SEA	5,000	-	-	5,000	-	-	-	-	-
UC Central N. & W. Campuses (1)	UC/MAR	28,000	-	-	4,000	4,000	4,000	4,000	4,000	8,000
		0								
		0								
<b>Retail</b>										
Del Rey Oaks Retail (1)	DRO	135,000	\$ -	\$ 135,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Cypress Knolls Community Center (1)	MAR	202,000	-	202,000	-	-	-	-	-	-
UC Central N. & W. Campuses (1)	UC/MAR	588,000	-	-	84,000	84,000	84,000	84,000	84,000	168,000
UC East Campus (1)	UC/MCO	350,000	-	-	-	175,000	-	-	-	175,000
UC Eight Street (1)	UC/MCO	1,890,000	-	-	270,000	270,000	270,000	270,000	270,000	540,000
Monterey County Retail	MCO	0	-	-	-	-	-	-	-	-
Landfill Commercial development (1)	MCO	0	-	-	-	-	-	-	-	-
East Garrison I Retail (1)	MCO	270,000	-	-	-	135,000	135,000	-	-	-
Ord Market (4)	MCO	0	-	-	-	-	-	-	-	-
Horse Park (1)	MCO	2,835,000	-	-	675,000	675,000	675,000	810,000	-	-
Main Gate Spa (1)	SEA	162,000	-	-	-	-	-	-	162,000	-
Main Gate Large Format Retail (1)	SEA	590,000	-	-	-	-	590,000	-	-	-
Main Gate In-Line Shops (1)	SEA	1,963,000	-	-	-	-	1,963,000	-	-	-
Main Gate Department Store Anchor (1)	SEA	810,000	-	-	-	-	810,000	-	-	-
Main Gate Restaurants (1)	SEA	412,000	-	-	-	-	412,000	-	-	-
Main Gate Hotel Restaurant (1)	SEA	54,000	-	-	-	-	-	54,000	-	-
Seaside Resort Golf Clubhouse (1)	SEA	110,000	-	-	110,000	-	-	-	-	-
Dunes on Monterey Bay (3)	MAR	1,349,000	364,000	675,000	310,000	-	-	-	-	-
TAMC TOD (1)	MAR	506,000	-	-	253,000	253,000	-	-	-	-
<b>Hotel (rooms) (5)</b>										
Del Rey Oaks Hotel (1) (454 rm)	454 DRO	2,754,000	\$ -	\$ 631,000	\$ 1,516,000	\$ 607,000	\$ -	\$ -	\$ -	\$ -
Del Rey Oaks Timeshare (1) (96 rm)	96 DRO	582,000	-	291,000	291,000	-	-	-	-	-
Horse Park (Parker Flat) Hotel (1) (200 rm)	200 MCO	1,213,000	-	-	1,213,000	-	-	-	-	-
Dunes - Limited Service (3) (100 rm)	100 MAR	607,000	-	607,000	-	-	-	-	-	-
Dunes - Full Service (3) (400 rm)	400 MAR	2,426,000	-	-	2,426,000	-	-	-	-	-
Seaside Golf Course Hotel (3) (330 rm)	330 SEA	2,001,000	-	-	-	2,001,000	-	-	-	-
Seaside Golf Course Timeshares (3) (170 rm)	170 SEA	1,031,000	-	-	-	-	-	-	728,000	303,000
Main Gate Hotel (1) (250 rm)	250 SEA	1,516,000	-	-	-	-	-	1,516,000	-	-
UC East Campus (1) (250 rm)	250 UC/MCO	1,516,000	-	-	-	-	-	-	-	1,516,000
UC Central N. & W. Campuses (1) (150 rm)	150 UC/MAR	910,000	-	-	-	-	-	-	-	910,000
	2400									
<b>Total</b>		<b>\$ 199,647,443</b>	<b>\$ 11,090,443</b>	<b>\$ 17,486,000</b>	<b>\$ 28,276,000</b>	<b>\$ 34,399,000</b>	<b>\$ 31,258,000</b>	<b>\$ 26,797,000</b>	<b>\$ 24,218,000</b>	<b>\$ 26,123,000</b>

	Adopted 2002	Effective 7/1/12	Effective 5/10/13	Index 13/14	Effective 7/1/13
New Residential (per du)	\$ 34,324	\$ 34,610	\$ 26,440	2.8%	\$ 27,180
Existing Residential (per du)	10,320	10,406	7,950	2.8%	8,173
Office & Industrial (per acre)	4,499	4,536	3,470	2.8%	3,567
Retail (per acre)	92,768	93,545	71,470	2.8%	73,471
Hotel (per room)	7,653	7,718	5,900	2.8%	6,065

**TABLE 5**  
**Land Sales Revenue**

	Jurisdiction	2013-14 to Post-FORA	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20	Post-FORA
<b><u>New Residential</u></b>										
Marina Heights	MAR	-								
Cypress Knolls	MAR	-								
Dunes on Monterey Bay	MAR	-								
UC 8th Street	UC/MCO	-								
East Garrison I	MCO	-								
Monterey Horse Park	MCO	-								
Monterey Horse Park	SEA	13,482,673					2,694,468	10,788,205		
UC East Campus - SF	UC/MCO	-								
UC East Campus - MF	UC/MCO	-								
Seaside Highlands Homes	SEA	-								
Seaside Resort Housing	SEA	-								
Seaside Housing (Eastside)	SEA	-								
Seaside Affordable Housing Obligations	SEA	-								
Workforce Housing (Army to Build)	SEA	-								
Workforce Housing (Seaside)	SEA	-								
Del Rey Oaks	DRO	21,495,083	3,906,000	8,862,120	8,726,963					
Other Residential	Various	-								
<b><u>Existing/Replacement Residential</u></b>										
Preston Park	MAR	56,900,558		56,900,558						
Cypress Knolls	MAR	-								
Abrams B	MAR	-								
Shelter Outreach Plus	OTR	-								
Sunbay (former Thorson Park)	SEA	-								
Stillwell Kidney - WFH (Army to Build)	Various	-								
<b><u>Office</u></b>										
Del Rey Oaks Office	DRO	2,448,349	1,188,000		1,260,349					
Monterey City Office	MRY	-								
Monterey County Office	MCO	-								
Horse Park	MCO	576,000	576,000							
Landfill Commercial Development	MCO	-								
East Garrison I Office Development	MCO	-								
MST Bus Maint & Bus Opns Facility	MCO	-								
Dunes on Monterey Bay	MAR	-								
Airport Economic Development Area	MAR	-								
Interim Inc. Rockrose Gardens	MAR	237,600	237,600							
LDS Church	MAR	-								
Seaside Office (Monterey Blues)	SEA	-								
Chartwell	SEA	-								
Monterey College of Law	SEA	-								
Monterey Peninsula Trade & Conf Cntr	SEA	3,422,177						3,422,177		
UC East Campus	UC/MCO	-								
UC Central South Campus	UC/MAR	-								
UC Central North & West Campuses	UC/MAR	-								
<b><u>Industrial</u></b>										
Airport Economic Development Area	MAR	-								
Industrial – City Corp. Yard	MAR	-								
Industrial – City Corp. Yard	MRY	2,651,220		2,651,220						
Industrial – Public/Private	MRY	9,179,977	3,798,000	2,651,220	2,730,757					
Monterey County Light Ind.	MCO	-								
Horse Park	MCO	1,414,800	1,044,000	370,800						
Landfill Industrial Park	MCO	-								
Seaside Corp Yard Shop	SEA	-								



**TABLE 5**  
**Land Sales Revenue**

	Jurisdiction	2013-14 to Post-FORA	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20	Post-FORA
UC Central North & West Campuses	UC/MAR	-								
<b><u>Retail</u></b>										
Del Rey Oaks Retail	DRO	324,000	324,000							
UC Central North & West Campuses	UC/MAR	-								
UC South Campus	UC/MAR	-								
UC East Campus	UC/MCO	-								
UC Eight Street	UC/MCO	-								
Monterey County Retail	MCO	-								
Landfill Commercial development	MCO	-								
East Garrison I Retail	MCO	-								
Ord Market	MCO	-								
Horse Park	MCO	7,282,130	1,656,000	1,705,680	1,756,850	2,163,599				
Main Gate	SEA	10,988,897		278,100		10,109,910	141,814	459,073		
South of Lightfighter Dr (swap)	SEA	-								
Dunes on Monterey Bay	MAR	-								
<b><u>Hotel (rooms)</u></b>										
Del Rey Oaks Hotel	DRO	2,206,141	486,000	1,223,640	496,501					
Del Rey Oaks Timeshare	DRO	475,020	234,000	241,020						
Horse Park (Parker Flat) Hotel	MCO	954,000	954,000							
Dunes - Limited Service	MAR	-								
Dunes - Full Service	MAR	-								
Seaside Golf Course Hotel	SEA	-								
Seaside Golf Course Timeshares	SEA	-								
Main Gate Hotel	SEA	1,337,104				1,337,104				
UC East Campus	UC/MCO	-								
UC Central North & West Campuses	UC/MAR	-								
Subtotal: Estimated Transactions		\$135,375,729	14,403,600	74,884,358	14,971,421	12,273,510	4,173,387	7,334,727	7,334,727	-
FORA Share - 50%		67,687,865	7,201,800	37,442,179	7,485,710	6,136,755	2,086,693	3,667,364	3,667,364	-
Estimated Caretaker/Property Mgt. Costs		(\$2,200,606)	(660,000)	(548,090)	(400,213)	(272,973)	(164,164)	(119,704)	(35,462)	-
Other obligations (Initiatives, Petitions, etc.)		(\$1,915,616)	(250,000)	(257,500)	(265,225)	(273,182)	(281,377)	(289,819)	(298,513)	-
Net FORA Land Sales Proceeds		63,571,643	6,291,800	36,636,589	6,820,272	5,590,600	1,641,152	3,257,841	3,333,389	-
<b>Net Present Value (5.3% Discount Rate)</b>		58,320,097	6,291,800	34,792,582	6,150,989	4,788,211	1,334,859	2,516,448	2,445,207	-

Note #1: FORA and local jurisdiction split land sales revenue 50/50 with FORA paying sales costs from its share. Actual land sales revenue may vary from that shown here.

Note #2: Assumes per acre value of \$180,000 and that values escalate by 3% annually.

Sources: Economic & Planning Systems "FORA Phase II CIP Review Discussion Tables," May 2, 2013

## Appendix A

### Protocol for Review/Reprogramming of FORA CIP (Revised June 21, 2013)

- 1.) Conduct quarterly meetings with the CIP Committee and joint committee meetings as needed with members from the FORA Administrative Committee. Staff representatives from the California Department of Transportation ("CALTRANS"), TAMC, AMBAG, and MST may be requested to participate and provide input to the joint committee.

These meetings will be the forum to review developments as they are being planned to assure accurate prioritization and timing of CIP projects to best serve the development as it is projected. FORA CIP projects will be constructed during the program, but market and budgetary realities require that projects must "queue" to current year priority status. The major criteria used to prioritize project placement are:

- Project is necessary to mitigate reuse plan
- Project environmental/design is complete
- Project can be completed prior to FORA's sunset
- Project uses FORA CIP funding as matching funds to leverage grant dollars
- Project can be coordinated with projects of other agencies (utilities, water, TAMC, PG&E, CALTRANS, MST, etc.)
- Project furthers inter-jurisdictional equity
- Project supports jurisdictional "flagship" project
- Project nexus to jurisdictional development programs

The joint committee will balance projected project costs against projected revenues as a primary goal of any recommended reprogramming/reprioritization effort.

- 2.) Provide a mid-year and/or yearly report to the Board (at mid-year budget and/or annual budget meetings) that will include any recommendations for CIP modifications from the joint committee and staff.
- 3.) Anticipate FORA Board annual approval of a CIP program that comprehensively accounts for all obligatory projects under the BRP.

These basewide project obligations include transportation/transit, water augmentation, storm drainage, habitat management, building removal and firefighting enhancement.

This protocol also describes the method by which the basewide development fee ("Fee") and Fort Ord Reuse Authority Community Facilities District Special Tax ("Tax") are annually indexed. The amount of the Fee is identical to the CFD Tax. Landowners pay either the Fee or the Tax, never both, depending on whether the land is within the Community Facilities District. For indexing purposes, FORA has always used the change in costs from January 1 to December 31. The reason for that choice is that the Fee and CFD Tax must be in place on July 1, and this provides the time necessary to prepare projections, vet, and publish the document. The second idea concerns measurement of construction costs. Construction costs may be measured by either the San Francisco Metropolitan index, or the "20-City Average." FORA has always used the 20-City Average index because it is generally more in line with the actual experience in suburban areas like the Monterey Peninsula. It should be noted that San Francisco is one of the cities used for the 20-City Average.

The Fee was established in February 1999 by Resolution 99-1. Section 1 of that Resolution states that "(FORA) shall levy a development fee in the amounts listed for each type of development in the... fee schedule until such time as ... the schedule is amended by (the) board." The CFD Tax was established in February 2002 by Resolution 02-1. Section IV of that CFD Resolution, beginning on page B-4,

describes "Maximum Special Tax Rates" and "Increase in the Maximum Special Tax Rates." That section requires the Tax to be established on the basis of costs during the "...immediately preceding Fiscal Year..." The Tax is adjusted annually on the basis of "...Construction Cost Index applicable to the area in which the District is located..."<sup>1</sup>

The CFD resolution requires the adjusted Tax rate to become effective on July 1. It would be difficult to meet that deadline if the benchmark were set for a date later than January. FORA staff uses the adjusted Tax rate to reprogram the CIP. FORA staff requests development forecast projections from the land use jurisdictions in January. The forecasts allow staff to balance CIP revenues and expenditures, typically complete by April, for Administrative Committee review. The FORA Board typically adopts the CIP, and consequently updates the "Notice of Special Tax Lien" ("Notice") in June.

Additionally, the Notice calls for "... (2) percentage change since the immediately preceding fiscal year in the (ENRs CCI) applicable to the area in which the District is located..." To assure adequate time for staff analysis, public debate and FORA Board review of modifications to the Special Tax Levy, it is prudent to begin in January. In addition, the FORA Board adopted a formulaic approach to monitoring the developer fee program which is typically conducted in the spring – as will be the case in 2014. If the anticipated Fee adjustment is unknown at the time of the formulaic calculation then the level of certainty about the appropriateness of the Fee is impaired. This factor supports that the Fee should be established in January.

To determine the percentage change, the CCI (Construction Cost Index) of the immediately prior January is subtracted from the CCI in January of the current year to define the arithmetic value of the change (increase or decrease). This dollar amount is divided by the CCI of the immediately prior January. The result is then multiplied by 100 to derive a percentage of change (increase or decrease) during the intervening year. The product of that calculation is the rate presented to the FORA Board.

Since the start of the CIP program in FY 2001/02, FORA has employed the CCI for the "20-City Average" as presented in the ENR rather than the San Francisco average. The current 20-City Average places the CCI in the range of \$9K to \$10K while the San Francisco CCI is in the \$10K to \$11K range. The difference in the two relates to factors which tend to drive costs up in an urban environment as opposed to the suburban environment of Fort Ord. These factors would include items such as time required for transportation of materials and equipment plus the Minimum Wage Rates in San Francisco as compared to those in Monterey County. Over a short term (1 year) one index may yield a lower percentage increase than the other index for the same time period.

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<sup>1</sup> The pertinent paragraph reads as follows:

*"On each July 1, commencing July 1, 2002, the Maximum Special Tax Rates shown in Table 1 shall be increased by an amount equal to the lesser of (1) five percent (5%) or (2) the percentage change since the immediately preceding Fiscal Year in the Engineering News Record's (ENRs) Construction Cost Index (CCI) applicable to the area in which the District is located (or, if such index is no longer published, a substantially equivalent index selected by the CFD Administrator)."*

## Appendix B

**Table A1: Residential Annual Land Use Construction (dwelling units)**

Land Use Type	Jurisdiction	Existing 7/1/13	Existing to 2021-22 Total	DRAFT					DRAFT			
				2013-14	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22
<b><i>New Residential</i></b>												
Marina Heights	MAR											
Townhome	MAR		102	12	12	36	36	6	-	-	-	-
Cluster Market/Bridge	MAR		188	-	36	36	36	36	36	8	-	-
Market A	MAR		339	8	28	36	48	60	60	60	39	-
Market B	MAR		336	-	-	36	36	60	60	60	60	24
Estates	MAR		85	-	-	-	24	24	24	13	-	-
Subtotal		-	1,050	20	76	144	180	186	180	141	99	24
The Promontory	MAR				174							
Dunes on Monterey Bay	MAR											
Residential units	MAR		1,129	46	98	162	180	180	180	180	103	
Apartments - Low/Very Low	MAR	108	108	-	-	-	-	-	-	-	-	-
Subtotal		108	1,237	46	98	162	180	180	180	180	103	-
TAMC TOD	MAR		200				100	100				
Marina Subtotal			2,487									
CSUMB North Campus Housing	CSU/MAR							150	150	150	42	
UC 8th Street	UC/MCO		240				40	40	40	40	40	40
East Garrison I												
Market rate	MCO	44	1,050	206	160	180	140	120	100	100		
Affordable	MCO	65	420	-	75	-	65	75	70	70	-	-
Subtotal		109	1,470	206	235	180	205	195	170	170	-	-
Monterey Horse Park Apartment	MCO/SEA		400					100	100		100	100
Monterey Horse Park	MCO/SEA		515				25	50	50	75	100	215
UC East Campus - SF	UC/MCO		-									
UC East Campus - MF	UC/MCO		-									
Seaside Highlands Homes	SEA	152	152									
Seaside Resort Housing	SEA	3	125	1	1	1	3	6	55	55		
Seaside Housing (Eastside)	SEA		-									
Seaside Affordable Housing Obligatic	SEA		72							72		
Workforce Housing (Army to Build)	SEA		-									
Market Rate Housing (Army to Build)	SEA		-									
State Parks Housing (Workforce hou	SEA		-									
Workforce Housing (Seaside)	SEA		-									
Seaside Subtotal			1,264									

## Appendix B

**Table A1: Residential Annual Land Use Construction (dwelling units)**

Land Use Type	Jurisdiction	DRAFT		DRAFT								
		Existing 7/1/13	Existing to 2021-22 Total	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22
Del Rey Oaks												
Golf Villas	DRO		50		37	13						
Patio Homes	DRO		36		32	4						
Condos/Workforce	DRO		514		40	230	244					
Townhomes/Senior Casitas	DRO		91	-	21	40	30	-	-	-	-	-
Subtotal			691	-	130	287	274	-	-	-	-	-
Other Residential	Various	-	8	-	-	-	-	-	-	-	-	8
Subtotal		372	6,160	273	714	774	1,007	857	775	733	442	387
<b>TOTAL NEW RESIDENTIAL</b>			<b>6,160</b>									
<b><u>Existing/Replacement Residential</u></b>												
Preston Park	MAR	352	352									
Cypress Knolls	MAR		400				100	100	100	100		
Patton Park	MAR		-									
Abrams B	MAR	192	192									
MOCO Housing Authority	MAR	56	56									
Shelter Outreach Plus	MAR	39	39									
Veterans Transition Center	MAR	13	13									
Interim Inc	MAR	11	11									
Sunbay (former Thorson Park)	SEA	297	297									
Brostrom	SEA	225	225									
Seaside Highlands	Various	228	228	-	-	-	-	-	-	-	-	-
Subtotal		1,413	1,813	-	-	-	100	100	100	100	-	-
<b>TOTAL EXISTING RESIDENTIAL</b>			<b>1,813</b>									
<b>Total</b>		<b>1,785</b>	<b>7,973</b>	<b>273</b>	<b>714</b>	<b>774</b>	<b>1,107</b>	<b>957</b>	<b>875</b>	<b>833</b>	<b>442</b>	<b>387</b>

Sources: Interviews with local jurisdiction and UC planning staff; Ft. Ord Reuse Plan; MuniFinancial.

Appendix B

**Table A2: Non-Residential Annual Land Use Construction (building square feet or hotel rooms)**

DRAFT		Existing		DRAFT								DRAFT	
Land Use Type	Juris-diction	7/1/13	Existing to 2021-22 Total	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22	
<b><u>Office</u></b>													
Del Rey Oaks Office	DRO		200,000		100,000		100,000						
Professional/Medical Office	MRY		433,030			72,172	72,172	126,302	54,128	54,128	54,128		
Monterey County Office	MCO		-										
Horse Park	MCO/SEA		50,000			25,000	25,000						
Landfill Commercial Development	MCO		-										
East Garrison I Office Development	MCO		35,000	6,000	12,000	12,000	5,000						
MST Bus Maint & Opns Facility	MCO		-										
Imjin Office Park	MAR	37,000	46,000	9,000		-							
Dunes on Monterey Bay	MAR	40,000	760,000	150,000		50,000	50,000		100,000	100,000		270,000	
Cypress Knolls Community Center	MAR		16,000				16,000						
Interim Inc. - Rockrose Gardens	MAR		14,000	14,000									
TAMC TOD (office/public facilities)	MAR		40,000			20,000	20,000						
Main Gate Conference	SEA		27,000						27,000				
Seaside Office (Monterey Blues)	SEA		-										
Chartwell School	SEA	1,800	1,800										
Monterey College of Law	SEA	13,100	13,100										
Fitch Middle School	SEA		-										
Marshall Elementary School	SEA		-										
International School (former Hayes Elem)	SEA		-										
Veterans' Cemetery	SEA/MCO		-										
Monterey Peninsula Trade & Conf Cntr	SEA		250,000							250,000			
Seaside Resort Golf Buildings	SEA		-										
UC Eight Street	UC/MCO		-	-	-	-	-	-	-	-	-	-	
UC East Campus	UC/MCO		100,000					100,000					
UC Central North & West Campuses	UC/MAR		280,000	-	-	40,000	40,000	40,000	40,000	40,000	40,000	40,000	
Subtotal		91,900	2,265,930	179,000	112,000	219,172	328,172	266,302	221,128	444,128	94,128	310,000	
<b><u>Industrial</u></b>													
Airport Economic Development Area	MAR	250,000	486,000		29,500	29,500	29,500	29,500	29,500	29,500	29,500	29,500	
Industrial – City Corp. Yard	MAR	12,300	12,300										
TAMC TOD	MAR		35,000			17,500	17,500						
Dunes on Monterey Bay	MAR		-	-	-	-	-	-					
Cypress Knolls Support Services	MAR		6,000				6,000						
Industrial	MRY		504,770			48,381	48,381	127,474	79,093	79,093	79,093	43,255	
Monterey County Light Ind.	MCO		-										
Horse Park	MCO/SEA		135,000			50,000	50,000	35,000	-				
Landfill Industrial Park	MCO		-						-				
MST Bus Maint & Opns Facility	MCO		-						-				
Seaside Corp Yard Shop	SEA		25,320			25,320							
UC Central North & West Campuses	UC/MAR	38,000	178,000	-	-	20,000	20,000	20,000	20,000	20,000	20,000	20,000	
Subtotal		300,300	1,382,390	-	29,500	190,701	171,381	211,974	128,593	128,593	128,593	92,755	

**Appendix B**

**Table A2: Non-Residential Annual Land Use Construction (building square feet or hotel rooms)**

Land Use Type	Jurisdiction	Existing 7/1/13	Existing to 2021-22 Total	DRAFT						DRAFT		
				2013-14	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22
<b><u>Retail</u></b>												
Del Rey Oaks Retail	DRO		20,000		20,000							
Cypress Knolls Community Center	MAR		30,000		30,000							
UC Central North & West Campuses	UC/MAR		87,500			12,500	12,500	12,500	12,500	12,500	12,500	12,500
UC South Campus	UC/MAR		-									
UC East Campus	UC/MCO		52,000				26,000				26,000	
UC Eight Street	UC/MCO		280,000			40,000	40,000	40,000	40,000	40,000	40,000	40,000
Monterey County Retail	MCO		-									
Landfill Commercial development	MCO		-				-					
East Garrison I Retail	MCO		40,000		-	-	20,000	20,000				
Ord Market	MCO		-									
Horse Park	MCO/SEA		420,000	-		100,000	100,000	100,000	120,000			
Main Gate Spa	SEA		24,000		-					24,000		
Main Gate Large Format Retail	SEA		87,500					87,500				
Main Gate In-Line Shops	SEA		291,000					291,000				
Main Gate Department Store Anchor	SEA		120,000					120,000				
Main Gate Restaurants	SEA		61,000					61,000				
Main Gate Hotel Restaurant	SEA		8,000						8,000			
Luxury Auto Mall	SEA		-									
Seaside Resort Golf Clubhouse	SEA		16,300			16,300						
Dunes on Monterey Bay	MAR	368,000	568,000	54,000	100,000	46,000						
TAMC TOD	MAR		75,000			37,500	37,500					
Subtotal		368,000	2,180,300	54,000	150,000	252,300	236,000	732,000	180,500	76,500	78,500	52,500
<b><u>Hotel (rooms)</u></b>												
Del Rey Oaks Hotel	DRO		454		104	250	100					
Del Rey Oaks Timeshare	DRO		96		48	48						
Horse Park (Parker Flat) Hotel	MCO/SEA		200			200						
Marina Airport Hotel/Golf	MAR		-									
Dunes - Limited Service	MAR		100		100							
Dunes - Full Service	MAR		400			400						
Seaside Golf Course Hotel	SEA		330				330					
Seaside Golf Course Timeshares	SEA		170							120	50	
Main Gate Hotel	SEA		250						250			
UC East Campus	UC/MCO		250									250
UC Central North & West Campuses	UC/MAR		150									150
Subtotal		-	2,400	-	252	898	430	-	250	120	50	400

Sources: Information from local jurisdiction and UC planning staff; Ft. Ord Reuse Plan; Annette Yee and Company, MuniFinancial.

## Appendix C

### Building Removal Program to Date

#### FORA Pilot Deconstruction Project ("PDP") 1996

In 1996, FORA deconstructed five wooden buildings of different types, relocated three wooden buildings, and remodeled three buildings. The potential for job creation and economic recovery through opportunities in deconstruction, building reuse, and recycling was researched through this effort.

Lessons learned from the FORA PDP project:

- *A structure's type, size, previous use, end-use, owner, and location are important when determining the relevance of lead and asbestos regulations.*
- *Profiling the building stock by type aids in developing salvage and building removal projections.*
- *Specific market needs for reusable and recycled products drive the effectiveness of deconstruction.*
- *Knowing the history of buildings is important because:*
  - *Reusing materials is complicated by the presence of Lead Based Paint ("LBP"), which was originally thinned with leaded gasoline and resulted in the hazardous materials penetrating further into the substrate material.*
  - *Over time, each building develops a unique use, maintenance and repair history, which can complicate hazardous material abatement survey efforts.*
- *Additional field surveys were needed to augment existing U.S. Army environmental information. The PDP surveys found approximately 30 percent more Asbestos Containing Material ("ACM") than identified by the Army.*
- *Hazardous material abatement accounts for almost 50 percent of building deconstruction costs on the former Fort Ord.*
- *A robust systematic program is needed for evaluating unknown hazardous materials early in building reuse, recycling and cleanup planning.*

#### FORA Survey for Hidden Asbestos 1997

In 1997, FORA commissioned surveys of invasive asbestos on a random sample of buildings on Fort Ord to identify hidden ACM. Before closure, the U.S. Army performed asbestos surveys on all exposed surfaces in every building on Fort Ord for their operation and maintenance needs. The Army surveys were not invasive and therefore did not identify asbestos sources, which could be spread to the atmosphere during building deconstruction or renovation. In addition to commissioning the survey for hidden asbestos, FORA catalogued the ACM found during the removal of seventy Fort Ord buildings.

The survey for hidden asbestos showed:

- *The Army asbestos surveys were conducted on accessible surfaces only which is not acceptable to the Monterey Bay Unified Air Pollution Control District ("MBUAPCD").*
- *Approximately 30 percent more ACM lies hidden than was identified in the Army surveys.*
- *The number one cause for slow-downs and change orders during building deconstruction is hidden asbestos (see FORA website).*



- *A comprehensive asbestos-containing materials survey must identify all ACM.*
- *All ACM must be remediated before building deconstruction begins. It is important to note that this includes non-friable ACM that has a high probability of becoming or has become friable - crumbled, pulverized, or reduced to powder by the forces expected to act on the material in the course of deconstruction.*
- *All ACM must be disposed of legally.*

#### FORA Hierarchy of Building Reuse 1998

In response to the PDP project, FORA developed a Hierarchy of Building Reuse ("HBR") protocol to determine the highest and best method to capture and save both the embodied energy and materials that exist in the buildings on Fort Ord. The HBR is a project-planning tool. It provides direction, helps contractors achieve higher levels of sustainability, and facilitates dialogue with developers in order to promote salvage and reuse of materials in new construction projects. The HBR protocol has only been used on WWII era wooden buildings. The HBR protocol prioritizes activities in the following order:

1. *Reuse of buildings in place*
2. *Relocation of buildings*
3. *Deconstruction and salvage of building materials*
4. *Deconstruction with aggressive recycling of building materials*

#### FORA Request for Qualifications ("RFQ") for Building Deconstruction Contractors 1998

FORA went through an RFQ process in an attempt to pre-qualify contractors throughout the U.S. to meet the Fort Ord communities' needs for wooden building deconstruction (removal), hazardous material abatement, salvage and recycling, and identifying cost savings. The RFQ also included a commitment for hiring trainees in deconstruction practices.

#### FORA Lead-Based Paint Remediation Demonstration Project 1999

FORA initiated the LBP Remediation Demonstration Program in 1999 to determine the extent of LBP contamination in Fort Ord buildings and soil, field test possible solutions, and document the findings. The first step in controlling LBP contamination is to accurately identify the amount and characteristics of the LBP. This ensures that LBP is properly addressed during removal and reuse activities, in ways that protect the public, environment, and workers.

The FORA Compound and Water City Roller Hockey Rink were used as living laboratories to test the application of LBP encapsulating products. Local painting contractors were trained to apply various encapsulating products and the ease, effectiveness and expected product life was evaluated. This information was shared with the jurisdictions, other base closure communities and the regulatory agencies so that they could use the lessons learned if reusing portions of their WWII building stock.

#### FORA Waste Characterization Protocol 2001

A Basewide Waste Characterization Protocol was developed for building debris generated during the deconstruction of approximately 1,200 WWII era wooden structures. By profiling standing buildings utilizing the protocol, contractors are able to make more informed waste management and diversion decisions resulting in savings, greater implementation of sustainable practices, and more environmentally sensitive solutions.

The following assumptions further assist decision-making for a large-scale source-based recovery program:

- *Individual buildings have been uniquely modified over time within each building type.*
- *The basewide characterization protocol was verified by comparing it with the actual waste generated during the 12<sup>th</sup> street building removal.*

#### FORA Building Removal for 12<sup>th</sup> Street/Imjin Parkway 2002

FORA, in 2002, remediated and removed 25 WWII era buildings as the preparatory work for the realignment of 12<sup>th</sup> Street, later to be called Imjin Parkway.

#### FORA Building Removal for 2nd Avenue Widening 2003

FORA, in 2003, remediated and removed 16 WWII era buildings and also the remains of a theater that had burned and been buried in place by the Army years before the base was scheduled for closure.

#### FORA/CSUMB oversight Private Material Recovery Facility Project 2004

In 2004, FORA worked with CSUMB to oversee a private-sector pilot Material Recovery Facility ("MRF"), with the goal of salvaging and reusing LBP covered wood from 14 WWII era buildings. FORA collaborated in the development of this project by sharing its research on building deconstruction and LBP abatement. CSUMB and their private-sector partner hoped to create value added products such as wood flooring that could be sold to offset deconstruction costs. Unfortunately the MRF operator and equipment proved to be unreliable and the LBP could not be fully removed from the wood or was cost prohibitive.

#### Dune WWII Building Removal 2005

FORA, in partnership with Marina and Marina Community Partners, removed 406 WWII era buildings. Ninety percent of the non-hazardous materials from these building were recycled. FORA volunteered to be the Hazardous Waste Generator instead of the City of Marina and worked with the California Department of Toxic Substance Control, the State Board of Equalization and the hazardous waste disposal facility so that as stipulated by state law, State Hazardous Waste Generator taxes could be avoided.

#### East Garrison Building Removal 2006 thru 2007

FORA, in 2006, provided the East Garrison developer with credits/funds to remove 31select WWII and after buildings from East Garrison.

#### Imjin Office Park Building Removal 2007

FORA, in partnership with Marina and Marina Community Partners, removed 13 WWII era buildings to prepare the Imjin Office Park site.

### FORA Removal of Building 4470 in Seaside 2011

In 2011, FORA had a concrete building in Seaside removed. Building 4470 was one of the first Korean War era concrete buildings removed on the former Fort Ord. Removal revealed the presence of hidden asbestos materials. The knowledge gained during this project will be helpful in determining removal costs of remaining Korean War era concrete buildings in Seaside and on CSUMB.

### FORA/CSUMB Korean War Concrete Building Removal Business Plan Grant Application 2011

In 2011, FORA approached the U.S. Office of Economic Adjustment ("OEA") about the possibility of applying for grant funds to assist in the removal of Korean War era concrete buildings located on CSUMB and Seaside property. The OEA was receptive to the idea and encouraged an application, noting that the amount available would likely be less than \$500,000. Since a large portion of the Korean War era concrete buildings are located on CSUMB property, FORA asked CSUMB to co-apply for the grant funds, which would be used to accurately identify hazardous materials in the buildings both on CSUMB and Seaside property, and to develop a Business Plan that would harness market forces to reduce building removal costs and drive economically sound building removal decisions. FORA and CSUMB have completed the grant application and submitted it to the OEA, who will consider it once federal funding becomes available.

### Continuing FORA support for CSUMB Building Removal Projects

Over the years, FORA has shared knowledge gained through various deconstruction projects with CSUMB and others, and CSUMB has reciprocated by sharing their lessons learned. Over the years FORA has supported CSUMB with shared contacts, information, review and guidance as requested for the following CSUMB building removal efforts:

- 2003 removal of 22 campus buildings
- 2006 removal of 87 campus buildings
- 2007 removal of 9 campus buildings
- 2009 removal of 8 campus buildings
- 2010 removal of 33 campus buildings
- 2011 removal of 78 campus buildings
- 2013 removal of 24 campus buildings

Distributed at 7/18/12 Administrative Committee Meeting



## Fort Ord Reuse Authority

920 2<sup>nd</sup> Avenue, Suite A, Marina, CA 93933

Phone: (831) 883-3672 • Fax: (831) 883-3675 • www.fora.org

### APPENDIX D

Materials for Item 7(d)(ii)  
Admin. Comm. Meeting, 7/18/12

## MEMORANDUM

Date: July 18, 2012

To: Fort Ord Reuse Authority ("FORA") Administrative Committee

CC: Michael A. Houlemard, Jr., Executive Officer  
Steve Endsley, Assistant Executive Officer

From: Jonathan Garcia, Senior Planner

Re: **Caretaker Costs, item 7(d)(ii)**

The purpose of this memo is to provide background information on Caretaker/Property Management Costs on former Fort Ord. Over the last few months, Caretaker Costs have been discussed in conjunction with the FORA Capital Improvement Program ("CIP") Review - Phase II study/formulaic approach. It was suggested that FORA staff provide additional background on Caretaker costs for future discussion. In preparation of this memo, FORA staff reviewed background material on caretaker costs from the late 1990's to present.

Caretaker status has been defined by U.S. Army regulation as "the minimum required staffing to maintain an installation in a state of repair that maintains safety, security, and health standards." This Army term may have generated the context of FORA's analysis of Caretaker costs in the late 1990's. Caretaker costs were first described in the FORA CIP in FY 2001/2002 as a \$14 million dollar cost with footnote reading: "Costs associated with potential delays in redevelopment and represent interim capital costs associated with property maintenance prior to transfer for development (as per Keyser-Marston truthing of caretaker and other costs).

FORA has maintained Caretaker costs in its annual CIPs since the initial FY 2001/2002 CIP. Within the last five years, FORA and County of Monterey Office of Housing and Redevelopment staff discussed property management costs associated with the County's habitat property described in the draft Fort Ord Habitat Conservation Plan ("HCP"). FORA and its HCP consultant note that trails planning/maintenance costs for public access on these properties are costs that the U.S. Fish and Wildlife Service/California Department of Fish and Game do not allow to be funded by the HCP, but should be funded by other jurisdictional resources.

During FORA's CIP review - Phase I Study, concluded in May 2011, FORA's Financial Consultant recommended that Caretaker/Property Management costs be removed from FORA's CIP Contingencies since no costs had been defined. FORA jurisdictions requested that Caretaker costs be added back in order to cover basewide property management costs, should they be demonstrated.

FORA expended \$20,000 in the previous fiscal year toward Monterey County's Fort Ord Recreational Habitat Area ("FORHA") Master Plan preparation process, in which the County has undertaken planning for a proposed trail system. This line item is wholly dependent on whether sufficient revenue is received during the fiscal year. In its current CIP, FORA maintains a \$12.2 million dollar line item for



## Fort Ord Reuse Authority

920 2<sup>nd</sup> Avenue, Suite A, Marina, CA 93933  
 Phone: (831) 883-3672 • Fax: (831) 883-3675 • www.fora.org

caretaker costs. FORA Assessment District Counsel opined that FORA Community Facilities District Special Tax payments cannot fund caretaker costs. For this reason, funding for Caretaker costs would have to come from FORA's 50% share of lease and land sales proceeds on former Fort Ord, any reimbursements to those fund balances, or other designated resources should they materialize.

From approximately 2000 to 2004, the U.S. Army entered into Cooperative/Caretaker Agreements with the City of Marina, the City of Seaside, and the County of Monterey. Below are two tables summarizing the agreement periods, amounts of funding involved, and an example of tasks included in these agreements. It is noted that these tables are not a comprehensive summary of the Army's caretaker agreements with the jurisdictions, but provide additional information on the subject.

### Cooperative/Caretaker Agreements between the U.S. Army and former Fort Ord Jurisdictions

Summary of Caretaker Agreement Periods	Marina Funding	Seaside Funding	County Funding
July 2000 – June 2001		\$647,512	
July 2002 – December 2002	\$50,694		
July 2002 – June 2003		\$52,736	\$49,500
July 2002 – June 2003	\$49,902	\$57,808	\$156,672
October 2003- June 2004	\$7,875	\$37,773	\$74,754
<b>Totals</b>	<b>\$324,308</b>	<b>\$364,154</b>	<b>\$496,763</b>

### Description of tasks in Marina Caretaker Agreement for Period July – December 2002

Task #	Description	Budget
1	Tree Trimming	\$6,240
2	Mowing	\$10,000
3	Pavement Patching	\$3,425
4	Centerline/Stenciling	\$5,560
5	Barricades	\$3,100
6	Traffic Signs	\$2,080
7	Catch Basin/Storm Drain Maint.	\$1,600
8	Vacant Buildings	\$7,025
9	Vegetation Control/Spraying	\$2,055
13	Paving/Slurry Seal	\$5,000
14	Administration (10% of total)	\$4,608.50
	<b>Totals</b>	<b>\$50,693.50</b>

# FORT ORD REUSE AUTHORITY BOARD REPORT

## OLD BUSINESS

**Subject:** ICF International Contract Amendment #6

**Meeting Date:** September 13, 2013

**Agenda Number:** 10b

**ACTION**

### RECOMMENDATION(S):

Authorize the Executive Officer to execute ICF International (ICF) contract amendment #6, not to exceed \$98,500 in additional budget authority (**Attachment A**).

### BACKGROUND/DISCUSSION:

On March 15, 2013, the Fort Ord Reuse Authority (FORA) Board approved contract amendment #5, which combined \$39,998 (available in the approved FY 12-13 HCP budget) with \$25,900 in reallocated previous contract budget authority to conduct a series of technical meetings. At this time, six technical issues have been addressed and eight issues require resolution. See **Attachment A** for additional details. Additional scope and budget is requested for ICF to achieve resolution on these technical issues over the next three months and move the draft HCP to a Screen-Check and then Public Review Draft. Based on the current HCP completion schedule, the Draft HCP would be circulated for public review by June 2014.

### FISCAL IMPACT:

Reviewed by FORA Controller 

ICF contract amendment #6 will increase the contract's budget authority by \$98,500, which is included in FORA's approved FY 13-14 budget. Staff time for this item is included in the approved FORA budget.

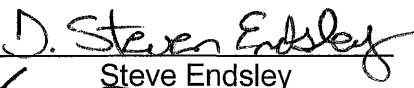
### COORDINATION:

ICF, Denise Duffy & Associates, Wildlife Agencies, Administrative Committee, Executive Committee, and Authority Counsel.

Prepared by

  
Jonathan Garcia

Reviewed by

  
Steve Endsley

Approved by

  
Michael A. Houlemard, Jr.



August 29, 2013

Mr. Michael Houlemard, Jr.  
Executive Officer  
Fort Ord Reuse Authority  
100 12<sup>th</sup> Street, Building 2880  
Marina, California 93933

SUBJECT: Addendum #6 Request for Additional Funds for Public Draft Completion of the  
Former Fort Ord Habitat Conservation Plan

Dear Mr. Houlemard:

Thank you for the opportunity to continue our work on the Former Fort Ord Habitat Conservation Plan (Plan). Over the past six months we made significant progress towards resolving the key issues identified in our Addendum #5. These key issues required close coordination to resolve with the Fort Ord Reuse Authority (FORA), Denise Duffy and Associates (DD&A), members of the Fort Ord HCP Working Group, U.S. Fish and Wildlife Service (USFWS), and California Department of Fish and Wildlife (CDFW). ICF developed an aggressive meeting schedule to discuss and resolve the identified key issues. Each of these meetings required advanced preparation of meeting materials, circulation of meeting notes, and clear communication of how each item is resolved in the HCP document. The following is a summary of resolved key issues.

- **California tiger salamander impact analysis.** ICF worked with DD&A to effectively summarize new impact approach and results. Impact analysis results were summarized differently for the CDFW and USFWS to ensure consistency with their permitting requirements. (DD&A is the lead on this key issue.)
- **Adaptive Management.** ICF updated and finalized the Adaptive Management approach.
- **State Parks' covered activities.** ICF worked with State Parks to finalize covered activities and reduce impacts to western snowy plover.
- **Western snowy plover.** ICF prepared updated materials on species status, impacts, conservation strategy, monitoring, adaptive management, and costs. The approach was reviewed and finalized by the working group, with the exception of baseline monitoring.
- **Smith's blue butterfly.** ICF prepared updated materials on species' impacts, conservation strategy, and monitoring. The approach was reviewed and finalized by the working group.

- **Cost and Funding Analysis.** ICF facilitated meeting at which USFWS and CDFW confirmed returning cost model approach to the original cost model. (FORA is the lead on this key issue.)

Working group member' schedules, as well as personnel changes resulted in the rescheduling of some of the meeting dates and a higher level of effort to achieve group consensus. As such, additional time and effort will be required to resolve some of the key issues. The following is a summary of the on-going key issues and their status.

- **Bank swallow.** ICF initiated a dialogue with the working group on the pros and cons of including bank swallow as a covered species. This included drafting a proposed approach for mitigation, monitoring, and adaptive management; identifying staff and costs required for implementation; and contributing to a memo drafted by FORA to frame a recommendation for non-coverage. *Status:* additional meeting required to finalize approach.
- **Endowment holder and trust agreement.** ICF facilitated the endowment holder and trust agreement meeting at which CDFW presented guidance for complying with new SB 1094 legislation. *Status:* additional meetings required to review and finalize agreement. (FORA is the lead on this key issue.)
- **California tiger salamander hybrids.** ICF engaged working group on an adaptive management approach for California tiger salamander hybrid management in the Plan Area. A draft memo was circulated and comments received. *Status:* additional meeting required to finalize approach.
- **Western snowy plover.** USFWS and State Parks requested continued dialogue on the baseline used for biological goals and objectives and monitoring. *Status:* additional meeting required to finalize approach.
- **Species surveys.** ICF updated species surveys and avoidance and minimization requirements for California tiger salamander, California red-legged frog, sand gilia, Seaside bird's beak. *Status:* Approach revisions required for California tiger salamander and California red-legged frog to reduce survey burden on Permittees and third party participants. Additional meeting required to finalize approach for sand gilia and Seaside bird's beak.
- **Species monitoring protocol updates.** ICF completed draft internal revisions for species monitoring protocols. Meeting for this topic was postponed to allow for additional coordination with the USFWS on Monterey ornate shrew revisions and additional working group members to attend the meeting. *Status:* additional meeting to review updates; second meeting may be required to finalize approach.
- **Cost and Funding Analysis.** ICF facilitated meeting at which CDFW provided additional guidance on structure of endowment funds. Their preference is for a single Cooperative-held endowment with sub-accounts rather than discrete endowments. It would be easier to move



money between the sub-accounts rather than endowments. *Status:* description of endowment structure needs to be updated and reviewed by working group. (FORA is the lead on this key issue.)

- **Implementing Agreement.** CDFW agreed to sign the implementing agreement and provided specific direction on updates required. These updates will be presented at the September 4 meeting. (FORA is the lead on this key issue.)

This amendment revises the following tasks from the original Jones & Stokes contract (May 30, 2007), and subsequent addendums. The proposed schedule to complete these tasks and our cost estimate to revise these tasks are provided at the end of this amendment (Table 2 and Table 3). This scope and budget includes tasks through the public draft, assumed to be published in May 2014, and includes a public outreach task to be completed in June 2014 during the public review period.

#### Task 5 Strategic Advice, Project Management, and Meetings (Amended)

Continued coordination and engagement with FORA, DD&A, Permittees, Bureau of Land Management (BLM), and the Wildlife Agencies is integral to maintain the project schedule and ensure Plan completion. As such, regular meetings, close coordination with FORA, and project management are required. Meetings will be used to address comments and resolve key issues identified for the Draft HCP. Conference calls will be held to ensure collaborative issue resolution. ICF will also coordinate with the DD&A to regarding EIR/EIS document preparation and impact analysis revisions. For all in-person meetings and conference calls, meeting materials, agendas, action items, and revised materials will be drafted and circulated to all meeting attendees. ICF also will be responsible for meeting packet distribution and meeting minutes for FORA-led meetings. Up to 2 in-person meetings will be held. At this time, only one in-person meeting is indicated on the schedule; however, the budget allows for a second in-person meeting, if authorized by FORA. Meeting schedule is assumed as follows:

**Table 1. Key Issue Meeting Summary**

Key Issue	Meeting Date	# of ICF attendees
1. Governance: Implementing Agreement, JPA agreement, and proposed governance structure (FORA lead)	9/4	2
2. Hybrid California tiger salamander approach	9/18	2
3. Western snowy plover baseline for biological goals and objectives and monitoring	10/2	2
4. Bank swallows		
<i>In-person meeting:</i>	10/9	3
5. California tiger salamander avoidance and minimization measures		
6. State-listed plant species avoidance and minimization measures		
7. Species monitoring protocol updates		
8. California red-legged frog avoidance and minimization measures	10/23	2
9. Finalize costs and funding mechanisms (FORA lead)	11/6	2
<ul style="list-style-type: none"> <li>• Endowment and sub-accounts</li> <li>• Borderlands</li> <li>• Define process and ability to generate addition money for funds</li> </ul>		
10. Endowment holder and trust agreement (FORA lead)	11/20	2
11. CDFW issues (FORA lead)		
<ul style="list-style-type: none"> <li>• State to Federal Assurances</li> <li>• State to State Assurances</li> <li>• Conservation Easement vs. Deed with Restrictions</li> <li>• Funding Assurances</li> </ul>		

Deliverables: Meeting agendas, meeting hand-outs, meeting notes, action items, and monthly budget summaries.

**Task 10 Prepare Screen-Check Public Draft HCP (Amended)**

ICF will prepare the Screen-Check Public Draft HCP. ICF will respond to comments submitted on the Draft HCP and incorporate of key issue resolutions. Additional funding is required for this task to incorporate the more complex key issue resolutions that span multiple chapters in the Plan, as well as, fund production of the Screen-Check Public Draft. Comment responses will be provided in a single file for each chapter and the Screen-Check Public Draft will be updated as appropriate. For the key issues, ICF will create a key issue table naming each key issue and summarizing how the key issue was resolved. ICF will work directly with the reviewers and FORA to resolve each key issue as specified in Task 5. Interim key issue resolutions will be provided as part of the meeting materials included in Task 5.

Deliverables: Digital version of the Screen-check public draft in clean and tracked changes and key issue resolution summary. Twelve (12) CDs will be sent to FORA for distribution as needed.

#### Task 11 Prepare Public Draft HCP (Amended)

This task was previously funded in Addendum #4. All funds from this task were transferred to Task 10 to fund key issue resolution as indicated in Table 3. The cost estimate includes funding for this task as previously scoped. ICF will incorporate the Wildlife Agencies' final revisions on the Screen-Check Draft to prepare the Public Review Draft HCP. It is important to note that preparation of the Public Review Draft will depend on the timing and results of the CEQA/NEPA process. The Wildlife Agencies will not begin formal processing of an HCP until a complete application is submitted. The application package includes the HCP and EIR/EIS.

Deliverables: Public Review Draft HCP. Five printed copies (clean copies only) and 5 CDs will be provided to FORA.

#### Task 13 Public Outreach

The public review period will be critical time to engage the public and gain their support of the Plan. Decision-makers, stakeholders, interest groups, and the public-at-large must be informed of their role regarding Plan review and approval, as well as how they can inform and shape the final Plan. An effective public outreach strategy will build support, and ensure a common vision is realized. ICF will provide public outreach support during the public review period for the Plan. This will include meeting attendance and an to 15-minute power point presentations at 2 FORA board meetings. Handouts for the FORA board meetings will include a printout of the power point presentation and a fact sheet. ICF will also attend 1 public meeting to staff an expert station. ICF will prepare a board to display Plan maps, plan summary, and fact sheet. These same materials will be provided as handouts at the event.

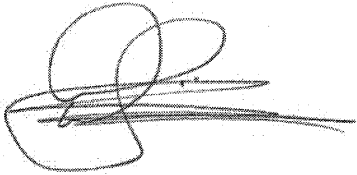
Deliverables: Two draft and final power point presentations (electronic version and 20 hard copies). One draft and final 2-page summaries of the Plan, map, and fact sheets (electronic version and 100 hard copies). One display board.

Fort Ord Reuse Authority  
August 29, 2013  
Page 6

### Cost Estimate

We estimate that these tasks will require a budget augment of \$98,500 to complete these tasks (Table 3). This cost estimate is valid for ninety (90) days from the date of this proposal. Thank you again for the opportunity to work on this important project. If you have any questions about this proposal, please call me at (415) 677-7179 or Terah Donovan at (415) 677-7176.

Sincerely,

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke extending to the right.

David Zippin, Ph.D.  
Vice President and Project Director

**Table 2.** Schedule for Installation-Wide Multispecies Habitat Conservation Plan for Former Fort Ord, CA

Key: Document Preparation  
 Meetings  
 Review Periods  
 Notice prep/publish  
 Final Approval Steps

HCP	Status	2013												2014												2015														
		J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D			
1 Draft Pre-Public HCP	Done																																							
2 Key Issue Resolution status updates	Done																																							
3 Wildlife Agency and Working Group Review Period (8 wk)	Done																																							
4 Meetings to Identify Key Issues	Done																																							
5 Bi-weekly meetings (as necessary) with Wildlife Agencies, FORA, and Working Group Members to check-in or resolve outstanding issues																																								
6 Prepare 3rd Admin Draft HCP	Done																																							
7 Review 3rd Admin Draft HCP (Permit Applicants and BLM only )	Done																																							
8 Revise 3rd Admin Draft HCP	Done																																							
9 Review 3rd Admin Draft HCP (Permit Applicants, BLM, Wildlife Agencies)	Done																																							
10 Prepare Screen-check Draft HCP																																								
11 Review Screen-check Draft HCP (Wildlife Agencies, Solicitor Review)																																								
12 Prepare Public Draft HCP																																								
13 Prepare and publish Notice in Federal Register for HCP, EIS, IA																																								
14 Public Review Period (90 days)																																								
15 Conduct Public Outreach																																								
16 Prepare Final HCP																																								
17 See Approval process steps																																								

Table 2. (Continued)

Key:

Document Preparation
Meetings
Review Periods
Notice prep/publish
Final Approval Steps

EIR/EIS	Status	2013												2014												2015													
		J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D		
1 Prepare 1st Admin Draft EIS/EIR	Done																																						
2 Review Period		■	■	■	■	■																																	
3 Prepare 2nd Admin Draft EIS/EIR			■	■	■	■	■	■	■	■	■	■	■	■	■																								
4 Solicitor review													■	■	■																								
5 Prepare Public Review EIS/EIR																		■																					
6 Prepare and publish Notice of Availability in Federal Register (see HCP-7 above)																		■	■	■																			
7 Prepare and publish CEQA Notice of Availability (1 - 2 months)																		■	■	■	■																		
8 Public/Agencies Review Period (90 days)																		■	■	■																			
9 Respond to public comments/Prepare 1st Admin Draft Final EIS/EIR																				■	■																		
10 Review Period																				■	■																		
11 Prepare Final Public Draft EIS/EIR - clear for publication																				■	■																		
12 Publish Notice of Final EIS, HCP and IA Availability in Federal Register - 30 day comment period																						■	■																
13 Publish CEQA Notice of Determination - Permit Applicants - 30 day challenge period																							■	■															
14 CEQA Notice of Determination--CDFG - 30 day challenge period																								■	■														
15 See Approval Process steps																									■	■													
16 Federal Prep and Pub of Record of Decision (ROD) - 30 day wait period																									■	■													
17 See Approval Process steps																										■	■												

Table 2. (Continued)

Key: Document Preparation  
 Meetings  
 Review Periods  
 Notice prep/publish  
 Final Approval Steps

Status	2013												2014												2015												
	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	
<b>Implementing Agreement</b>																																					
1 Prepare 2nd Admin Draft IA	Done																																				
2 Wildlife Agency and Working Group Review Period	Done																																				
7 Prepare 3rd Admin Draft IA	Done																																				
8 Review 3rd Admin Draft IA (Permit Applicants and BLM only )	Done																																				
9 Respond to comments	Done																																				
10 Review 3rd Admin Draft IA (Permit Applicants, BLM, Wildlife Agencies)	Done																																				
11 Prepare Screen-check Draft IA		█	█	█	█	█	█	█	█	█	█	█																									
12 Review Screen-check Draft IA (Wildlife Agencies, Solicitor Review)													█	█	█																						
13 Prepare Public Draft IA														█	█	█																					
14 Prepare and publish Notice of Availability in Federal Register (see HCP-12 above)															█																						
15 Public/Agencies Review period (90 days)																█	█	█																			
16 Prepare Final IA																					█	█	█	█													
17 See Approval Process steps																																					
<b>Approval Process</b>																																					
1 Permit Applicants and BLM Approval of Final Plan, Final EIR/EIS and Final IA																											█	█									
2 Establish Implementing Entity																											█										
3 Implementing Entity approves Final Plan. EIR/EIS and Implementing Agreement																											█										
4 See EIR/EIS steps 11, 12 and 13																																					
5 Local Agencies Adopt Imp Ordinances																											█	█									
6 Wildlife Agencies Approval of Plan, EIR and EIS and IA																											█	█	█	█							
7 FG Findings Preparation																											█	█	█	█							
8 FWS Findings/Biological Opinion																											█	█	█	█							
9 Permits Issued by FWS																											█	█	█	█							
10 Permits issued by CDFG																											█	█	█	█							

**Table 3. Cost Estimate for Addendum #6 Former Fort Ord Habitat Conservation Plan**

Task	Employee Name	Consulting Staff								Subtotal	Production Staff				Subtotal	Labor Total	Direct Expenses	Total Price
		Zippin D	Donovan T	Jones T	Mozumder K	Edell T	Rogers J	Osborn M	Barnard A		Mihm T	Giffen T	Ortega C	Fitch S				
		Proj Dir	Proj Man	Cons Planner	Wildlife Biologist	Botanist	Public Outreach	Public Outreach	Graphics		Editor	Support Editor	Pub Spec	Invoicing				
Labor Classification	Proj Dir	Sr Consult I	Asst Consult	Sr Consult I	Assoc Consult	Assoc Consult III	Assoc Consult II	Sr Consult I	Subtotal	Editor	Support Editor	Pub Spec	Invoicing	Subtotal	Labor Total	Direct Expenses	Total Price	
Task 5 Strategic Advice, Project Management, Meetings		12	92.0		20	16				\$22,660				6	\$420	\$23,080		
Task 10. Prepare Screen-Check Draft HCP		8	32		20	20				\$15,380	40	40	40		\$11,400	\$26,780		
Task 11. Prepare Public Draft HCP (2014 Task)		4	40	20	30	30				\$20,550	20	16	16		\$4,940	\$25,490		
Task 13 Public Outreach (2014 task)		2	54				15	56	4	\$18,880		16			\$1,520	\$20,400		
Total hours		26	218.0	20	70	66	15	56	36		60	72	56	6				
ICF E&P 2013 Billing Rates		\$255	\$155	\$100	\$155	\$140	\$140	\$130	\$155		\$95	\$95	\$95	\$70				
Subtotals		\$6,630	\$33,790	\$2,000	\$10,850	\$9,240	\$2,100	\$7,280	\$5,580	\$77,470	\$5,700	\$6,840	\$5,320	\$420	\$18,280	\$95,750		
<b>Direct Expenses</b>																		
521.00 Meals, and Lodging																	\$500	
523.02 Reproductions																	\$1,000	
523.05 Travel, Auto, incl. Mileage at current IRS rate (.555/mile)																	\$1,000	
Mark up on all non-labor costs and subcontractors: 10%																	\$250	
Direct expense subtotal																	\$2,750	
<b>Total price</b>																	<b>\$98,500</b>	



# FORT ORD REUSE AUTHORITY BOARD REPORT

## EXECUTIVE OFFICER'S REPORT

<b>Subject:</b> Outstanding Receivables	
<b>Meeting Date:</b> September 13, 2013	<b>INFORMATION</b>
<b>Agenda Number:</b> 12a	

### RECOMMENDATIONS:

Receive a Fort Ord Reuse Authority (FORA) outstanding receivable August 31, 2013 update.

### BACKGROUND/DISCUSSION:

1. PLL Insurance Premium: At its August 9, 2013 meeting, the FORA Board approved the Memorandum of Understanding (MOU) between FORA and the City of Del Rey Oaks (DRO) regarding outstanding receivables. DRO agreed with the terms and executed the agreement in August. Consequently, that former receivable is under agreement and it not considered to be outstanding – and intended to be retired under the terms of the agreement.
2. Development Fee: In 1997, the U.S. Army and FORA entered into an interim lease for Preston Park. Preston Park consisted of 354 units of former Army housing within the jurisdiction of the City of Marina (Marina). Marina became FORA's Agent in managing the property. Marina and FORA selected Mid-Peninsula Housing Coalition to manage the property and lease it to tenants. In 1998, Mid-Peninsula completed rehabilitating Preston Park units and began leasing the property to the public. After repayment of the rehab loan, Marina and FORA have each shared 50% of the net operating income from Preston Park.

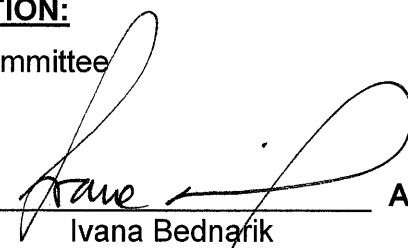
The FORA Board enacted a basewide Development Fee Schedule in 1999. Preston Park is subject to FORA's Development Fee Schedule overlay. In March 2009, the FORA Board approved the MOU between FORA and Marina whereby a portion of the Preston Park Development Fee was paid by the project (see Attachments A-B). In 2009, Marina transferred \$321,285 from Preston Park, making an initial Development Fee payment for the project. The remaining balance is outstanding and is the subject of current litigation.

### FISCAL IMPACT:

1. It is expected that the deferral of revenue from the DRO agreement will be compensated by the accrued interest payment.
2. All former Fort Ord projects are subject to either the developer fee overlay or the Community Development District fees to pay individual share of the California Environmental Quality Act required mitigation measures. If any projects fail to pay their fair share it adds a financial burden to other reoccupied or development projects to compensate.

### COORDINATION:

Executive Committee

Prepared by   
Ivana Bednarik

Approved by   
Michael A. Houlemard, Jr.

**FORT ORD REUSE AUTHORITY BOARD**Attachment A to Item 12a  
FORA Board Meeting, 9/13/2013**CONSENT AGENDA**

<b>Subject:</b>	Use of Preston Park funds to reimburse Cypress Knolls developer and the City of Marina for California Avenue road improvement costs	
<b>Meeting Date:</b>	March 13, 2009	<b>ACTION</b>
<b>Agenda Number:</b>	5c	

**RECOMMENDATION(S):**

Authorize the Executive Officer to enter into an agreement with the City of Marina ("Marina") to use Preston Park funds to reimburse the Cypress Knolls developer and the City of Marina for California Avenue road improvement costs ("**Attachment A**").

**BACKGROUND/DISCUSSION:**

The Fort Ord Reuse Authority ("FORA"), Marina, and the Cypress Knolls developer entered into agreements on July 10, 1998, March 12, 1999, and March 3, 2007 regarding the development of the Cypress Knolls project in South Marina. The terms of these agreements provided for repayment of an advance payment of \$321,285.00 from the Cypress Knolls developer for California Avenue road improvement costs, if Marina and the developer did not enter agreement for development of the Cypress Knolls project. Also, these agreements included terms describing FORA reimbursement to Marina if Marina repaid the advance to Cypress Knolls. Marina will repay the developer's advance payment. Therefore, FORA and Marina negotiated an agreement describing the terms of FORA's reimbursement to Marina.

Marina and FORA have agreed that FORA's reimbursement obligation will come from resources held by Marina for the Marina-FORA jointly owned Preston Park housing complex. This reimbursement will be considered part of the developer fee obligation of the Preston Park Housing complex.

**FISCAL IMPACT:**

Reviewed by FORA Controller M.F. for 1.3.

The use of Preston Park funds for this reimbursement is from a reserve account designed to fund capital improvement projects (and major repairs) of Preston Park only. The use of these funds for this purpose does not affect the current Preston Park fiscal year budget.

**COORDINATION:**

Marina, Authority Counsel, Administrative Committee, Executive Committee.

Prepared by Jonathan Garcia Reviewed by Steve Endsley  
 Jonathan Garcia Steve Endsley  
 Approved by Michael A. Houlemard, Jr.  
 Michael A. Houlemard, Jr.

*final doc - handout at mtg.*

**MEMORANDUM OF UNDERSTANDING ("MOU")  
REGARDING CYPRESS KNOLLS/CALIFORNIA AVENUE REIMBURSEMENT**

This is a Memorandum of Understanding by and between City of Marina, a California Municipal Corporation (hereinafter referred to as "Marina"), and the Fort Ord Reuse Authority a California Public Corporation (hereinafter referred to as "FORA"), regarding the disposition of Marina and FORA respective obligations for the reimbursement of costs for the Cypress Knolls Development project with reference to the following recitals, terms, and conditions and limitations.

**RECITALS**

**WHEREAS**, Marina, the Cypress Knolls, a joint venture of Lifespan Communities and California Lutheran Homes (hereinafter referred to as "Developer") and FORA, entered into that certain Memorandum of Understanding Concerning Certain Terms of Agreement for Development of Patton Park Housing on July 10, 1998 ("1998 MOU"), regarding the Cypress Knolls housing development project located on the former Fort Ord in the City of Marina. The 1998 MOU provided a method of financing the construction of the extension of California Avenue from Reindollar Avenue onto the former Fort Ord to connect to 12<sup>th</sup> Street (the "California Avenue Extension Project") including an advance from the Developer in the amount of \$321,285 ("Developer Advance") for a portion of the costs for the California Avenue Extension Project; and

**WHEREAS**, Marina and FORA entered into that certain Payment and Reimbursement Agreement by and between the Fort Ord Reuse Authority and the City of Marina on March 12, 1999 (the "1999 Payment Agreement"), regarding payment and reimbursement of the Developer advance of funding required for Economic Development Administration "EDA" Grant No. 07-4907072.03 for the California Avenue Extension Project; and

**WHEREAS**, Marina, the Redevelopment Agency of the City of Marina, the Developer and FORA entered into that certain Memorandum of Understanding Concerning Certain Terms of Agreement Including Payment of FORA Developer Fees for the Cypress Knolls Development Project on March 3, 2007, (the "2007 MOU") which agreement further addressed the repayment of the Developer Advance for the California Avenue Extension Project; and

**WHEREAS**, the Cypress Knolls housing development project developer was solely responsible to pay the cost of the California Avenue Extension Project; and

**WHEREAS**, the above agreements set forth terms for the repayment of the Developer Advance, if Marina and Cypress Knolls did not enter into an agreement for the development of the above referenced project; and

**WHEREAS**, the above referenced agreements also specify terms of a FORA reimbursement to Marina if Marina repaid the Developer Advance; and

**WHEREAS**, Marina and the Developer have failed to execute a Disposition and Development Agreement for the development of Cypress Knolls and have terminated their Agreement to Negotiate Exclusively; and

**WHEREAS**, Marina and FORA desire to clarify the terms of the 1998 MOU, the 1999 Payment Agreement and the 2007 MOU and provide for the timely reimbursement by FORA of any funds advanced by the City of Marina to repay the Developer Advance by entering into this MOU.

### **TERMS AND CONDITIONS**

In consideration of the mutual promises contained herein, FORA and MARINA agree to the following terms and conditions:

1. Reimbursement to Developer

Marina hereby acknowledges and agrees that Marina shall be responsible for repaying to the Developer the Developer Advance in accordance with the terms of the 1998 MOU and in accordance with any agreements that Marina shall have with the Developer regarding such repayment. FORA hereby agrees that FORA shall be responsible for reimbursing Marina the amount of \$321,285 representing the amount Marina advanced to FORA for the California Avenue Extension Project pursuant to the 1998 MOU and the 1999 Payment Agreement. Marina and FORA agree that such payment of FORA's reimbursement obligation will come from resources held by Marina and FORA for the Preston Park housing complex.

2. Payment Acknowledgement

FORA shall repay Marina \$321,285 for the California Avenue Extension by granting to Marina a credit for Marina's share of the FORA developer fee or tax rate for the units located at Preston Park at a rate of \$13,061 per existing residential dwelling unit which represents the Fiscal Year 2008/09 FORA Developer Fee rate for Preston Park, regardless of the time when such Preston Park Developer Fees actually become due to FORA. FORA and Marina further agree that all future payments of Preston Park Developer Fees by the City of Marina shall be set at the Fiscal Year 2008/09 Development fee rate of \$13,061 per existing residential dwelling unit without escalation.

3. Effect of Agreement

This Agreement shall be effective as of the date both parties execute the Agreement and the Development fee credit provided for pursuant to Section 2 above shall be effective immediately upon the parties executing this Agreement. This Agreement shall amend the 1998 MOU, the 1999 Payment Agreement and the 2007 MOU to the extent applicable. All provisions of the 1998 MOU, the 1999

Payment Agreement and the 2007 MOU shall remain in full force and effect except to the extent this Agreement specifically conflicts with the previous agreements.

**IN WITNESS WHEREOF**, Marina and FORA by their duly authorized representatives, have executed this Agreement on the date first hereinabove set forth

FORT ORD REUSE AUTHORITY

CITY OF MARINA

\_\_\_\_\_  
Michael A. Houlemard, Jr.

\_\_\_\_\_  
Anthony J. Altfeld

APPROVED AS TO FORM  
Jerry Bowden, FORA Counsel

APPROVED AS TO FORM  
Rob Wellington, City of Marina Counsel

\_\_\_\_\_  
c:\users\ktiede~1\appdata\local\temp\metasave\imandb\_649371\_1.doc

MINUTES  
OF THE  
FORT ORD REUSE AUTHORITY  
BOARD OF DIRECTORS' MEETING.

APPROVED

at the  
Fort Ord Reuse Authority Conference Facility/Bridge Center  
March 13, 2009

1. CALL TO ORDER AND ROLL CALL

Chair Rubio called the meeting to order at 3:36 p.m. and requested a roll call.

Voting members:

Chair/Mayor Rubio (City of Seaside)	Councilmember Selfridge (City of Monterey)
Mayor McCloud (City of Carmel)	Mayor Russell (City of Del Rey Oaks)
Councilmember Gray (City of Marina)	Councilmember Mancini (City of Seaside)
Councilmember Kampe (City of Pacific Grove)	Mayor Pendergrass (City of Sand City)

Arriving after the roll call were 1<sup>st</sup> Vice Chair/Supervisor Potter (County of Monterey), Mr. Jim Cook (alternate for Supervisor Calcagno), and Councilmember Barnes (City of Salinas). Absent were 2<sup>nd</sup> Vice Chair/Councilmember McCall (City of Marina) and Supervisor Parker (County of Monterey).

Ex-Officio members:

Graham Bice (UC MBEST)	James Main (CSUMB)
Vicki Nakamura (Monterey Peninsula College)	COL Darcy Brewer (U.S. Army)
Kenneth K. Nishi (Marina Coast Water District)	Rob Robinson (BRAC)

Arriving after the roll call was Dr. Marilyn Shepherd (Monterey Peninsula Unified School District). Mike Gallant, a Monterey-Salinas Transit staff member, and Mike Zeller, a staff member at the Transportation Agency for Monterey County, sat at the dais as observers for their agencies. Absent were representatives from the 17<sup>th</sup> Congressional District, the 15<sup>th</sup> State Senate District, and the 27<sup>th</sup> State Assembly District.

With a quorum present Chair Rubio called the meeting to order.

2. PLEDGE OF ALLEGIANCE

Chair Rubio asked Councilmember Ken Gray, who agreed, to lead the Pledge of Allegiance.

3. ACKNOWLEDGEMENTS

Chair Rubio acknowledged the presence of Mike Gallant, who was representing Monterey-Salinas Transit as an observer at the dais. Executive Officer Houlemard announced that he had been informed that the deeds transferring the almost 3,300 acres in the FOSET 5 would be delivered to FORA for signature next week.

#### 4. PUBLIC COMMENT PERIOD

California American Water Company ("CalAm") General Manager Craig Anthony asked for the board's support in moving the recycled water project forward through former Fort Ord to the Monterey Peninsula. He said the large black pipe now stored along General Jim Moore Blvd. would be moved offsite until that roadway is constructed and the pipe can be installed. This pipe will convey recycled water to the south end of the former Fort, serving Monterey Peninsula College, Seaside, Del Rey Oaks and Monterey projects there; the pipe will connect to other conveyance pipes to provide recycled water to the Monterey Peninsula. He announced that the agreement between Marina Coast Water District ("MCWD") and CalAm to collaborate their efforts to support the regional water project would be signed next week. He urged support for the regional water project and remarked that he looks forward to working with MCWD. Bill Taylor from Shoreline Workforce Development reported that road from Imjin Parkway to the Shoreline facility had deteriorated to mud and potholes, which has hurt their business. He stated that he has had no responses to his requests that these safety hazards and detriments to Shoreline's programs be assuaged. While recognizing the impacts of the national economic downturn, he asked that a layer of rocks be spread on the road until the permanent surface can be installed. Chair Rubio thanked Mr. Anthony and said he looked forward to reaching full agreement during the current project deliberations.

#### 5. CONSENT AGENDA

There were three items on the Consent Agenda: Item 5a (February 9, 2009 board meeting minutes), Item 5b (Contract extension for Habitat Conservation Plan consultant: ICF Jones & Stokes), and Item 5c (Use of Preston Park funds to reimburse Cypress Knolls developer and the City of Marina for California Avenue road improvement costs). Executive Officer Houlemard asked that Item 5c be pulled. **Motion to approve Items 5a and 5b was made by Supervisor Potter, seconded by Mayor McCloud, and carried.** Executive Officer Houlemard recommended that the fourth Whereas (WHEREAS, portions of the California Avenue Extension Project . . .) and # 3 of the Terms and Conditions (Subsequent Development Projects) be deleted. A clean version was available as a handout. There were no board or public comments. **Motion to approve Item 5c was made by Mayor Russell, seconded by Councilmember Mancini, and carried.**

#### 6. OLD BUSINESS

Item 6a - Habitat Conservation Plan ("HCP") approval process: Director of Planning and Finance Steve Endsley provided an update of developments occurring since the board report was written. He said the March 11<sup>th</sup> special meeting, which focused on the three auxiliary documents, was very successful in terms of progress made. Mayor Russell asked if there were a time constraint regarding the Joint Powers Agreement, and Executive Officer Houlemard replied that this document, which will form the Fort Ord Regional Habitat Cooperative, must be approved by all parties before the HCP can be signed, now anticipated in seven or eight months. There were no other board comments or comments from the public.

Item 6b – California State University, Monterey Bay 2007 Master Plan Recirculated Draft Environmental Impact Report: Memorandum of Understanding ("MOU") between CSUMB and Fort Ord Reuse Authority: Executive Officer Houlemard remarked that the draft MOU regarding Academic Buildings and Payment of Deficit Period Costs attempts to define key understandings of how the campus and the surrounding jurisdictions will work together in the future, including items

such as campus growth and annual reporting of its impacts and how the payment of CSUMB's \$2,326,795 deficit period mitigations will be paid. Underlying the MOU was the spirit of collaboration each had emphasized. CSUMB Vice President Jim Main thanked the FORA Executive Committee for its cooperative spirit in reaching this understanding, adding that it was a step in the right direction. He stated that the university puts a high priority on replacing the deteriorating buildings on the campus with new facilities but has agreed to make concerted efforts to avoid creating traffic impacts, which would incur additional mitigations. John Fischer, a member of the public from Pacific Grove, said he assumed the proposed university housing was outside the campus area, and impact fees had already been taken care of. Bruce Delgado from Marina stated that the presence of a university in Marina is an important step for the City, and added his support to the innovative approach that had been memorialized in the MOU. Executive Officer Houlemard responded to Mr. Fischer's comments by confirming that the impact fees for the affordable university housing had been settled in a separate agreement years ago. **Motion to approve the MOU with CSUMB not to contest CSUMB's construction of new academic buildings in exchange for CSUMB's agreement to repay the \$2,326,795 deficit period debt to FORA before June 30, 2014, was made by Councilmember Mancini, seconded by Councilmember Kampe, and carried.**

7. EXECUTIVE OFFICER'S REPORT

There was one item in this report: Item 7a (Administrative Committee report). There were no board or public comments.

8. ANNOUNCEMENTS AND CORRESPONDENCE

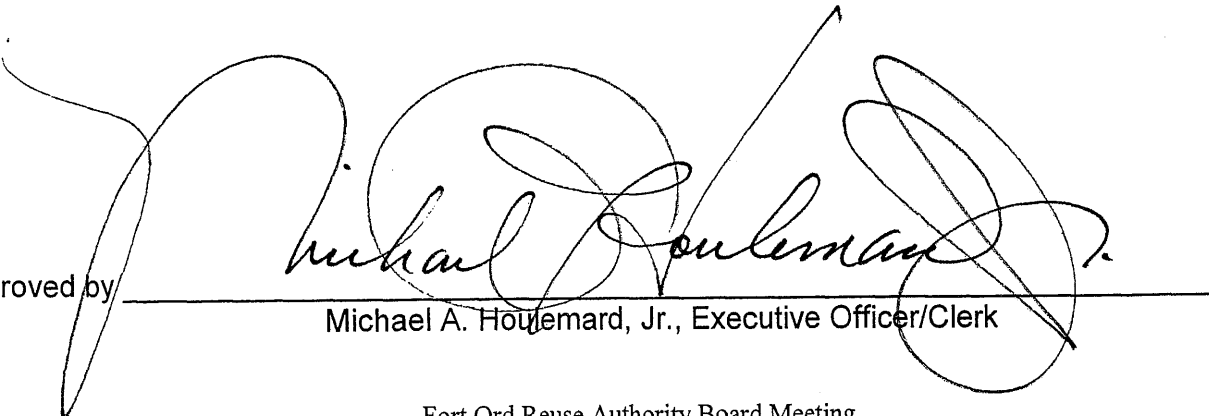
Councilmember Ken Gray announced the official opening of the Fort Ord Dunes State Park at 11:00 a.m. on April 15, 2009. He invited all to attend the event and mark their calendars now. Executive Officer Houlemard called attention to the Los Angeles Times article handout entitled "*Mountain biking on Ft. Ord Public Lands: Beware the old explosives*". He also said staff is hoping to schedule a special tour for board members of the Residential Quality Assurance (RQA) Pilot Projects in the ESCA property. The tour will begin prior to the 3:30 p.m. start of the April 3, 2009 board meeting.

9. ADJOURNMENT

Chair Rubio adjourned the meeting at 3:58 p.m.

Minutes prepared by Linda Stiehl, Deputy Clerk.

Approved by



Michael A. Houlemard, Jr., Executive Officer/Clerk



# FORT ORD REUSE AUTHORITY BOARD REPORT

## EXECUTIVE OFFICER'S REPORT

**Subject:** Habitat Conservation Plan Update

**Meeting Date:** September 13, 2013

**Agenda Number:** 12b

**INFORMATION**

### RECOMMENDATION(S):

Receive a Habitat Conservation Plan (HCP) and State of California 2081 Incidental Take Permit (2081 permit) preparation process status report.

### BACKGROUND/DISCUSSION:

The Fort Ord Reuse Authority (FORA), with the support of its member jurisdictions and ICF International (formerly Jones & Stokes), FORA's HCP consultant, is on a path to receive approval of a completed basewide HCP and 2081 permit in 2015, concluding with US Fish and Wildlife Service (USFWS) and California Department of Fish and Wildlife (CDFW) (formerly known as California Department of Fish and Game) issuing federal and state permits.

Most recently, FORA received comments on the Administrative Draft HCP from USFWS in July 2012 and CDFW staff in August 2012, and held recent in-person meetings on April 10 and June 19, 2013 to discuss outstanding issues; however, a legal review by these wildlife agencies is not yet complete and several policy-level issues must be resolved between CDFW and BLM, CDFW and State Parks/UC. After meeting with CDFW Chief Deputy Director Kevin Hunting on January 30, 2013, FORA was told that CDFW and BLM issues require a Memorandum of Understanding (MOU) between CDFW and BLM, outlining certain assurances between the parties, resulting in additional time. Also, according to CDFW, final approval of an endowment holder no longer rests with CDFW (due to passage of SB 1094 [Kehoe]), which delineates specified rules for wildlife endowments. However, CDFW must review the funding structure and anticipated payout rate of the HCP endowment holder to verify if the assumptions are feasible. CDFW has outlined a process for FORA and the other permit applicants that expedites compliance with endowment funding requirements. FORA has engaged Economic and Planning Systems (EPS) to help in this process. Other policy issues and completion of the screencheck draft HCP should be completed in the next few months. If the current schedule is maintained, FORA staff expects a Public Draft HCP available for public review by June 2014. **Update: On September 4, 2013, FORA held meeting with the Permittees and Wildlife Agencies to review the proposed HCP Governance framework. FORA staff requested review/feedback on draft HCP agreements within the next month.**

### FISCAL IMPACT:

Reviewed by FORA Controller 

Staff time for this item is included in the approved FORA budget.

### COORDINATION:

Administrative Committee, Executive Committee, ICF, Denise Duffy and Associates

Prepared by   
Jonathan Garcia

Reviewed by   
Steve Endsley

Approved by 

Michael A. Houlemard, Jr.

# FORT ORD REUSE AUTHORITY BOARD REPORT

## EXECUTIVE OFFICER'S REPORT

<b>Subject:</b> Administrative Committee Report	
<b>Meeting Date:</b> September 13, 2013 <b>Agenda Number:</b> 12c	<b>INFORMATION</b>

### RECOMMENDATION:

Receive a report from the Administrative Committee.

### BACKGROUND/DISCUSSION:

The approved July 31, 2013 and August 7, 2013 Administrative Committee minutes are attached for review.

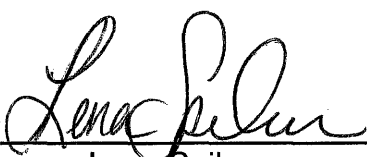
### FISCAL IMPACT:

Reviewed by the FORA Controller 

Staff time for the Administrative Committee is included in the approved annual budget.

### COORDINATION:

Administrative Committee

Prepared by   
Lena Spilman

Approved by   
Michael A. Houlemard, Jr.



## FORT ORD REUSE AUTHORITY

### ADMINISTRATIVE COMMITTEE REGULAR MEETING MINUTES

8:15 a.m., Wednesday, July 31, 2013 | FORA Conference Room  
920 2<sup>nd</sup> Avenue, Suite A, Marina CA 93933

#### 1. CALL TO ORDER AND ROLL CALL

Chair Dawson called the meeting to order at 8:19 a.m. The following were present, as indicated by signatures on the roll sheet:

Daniel Dawson, City of Del-Rey-Oaks\*  
Elizabeth Caraker, City of Monterey\*  
Layne Long, City of Marina\*  
Benny Young, County of Monterey\*  
John Dunn, City of Seaside\*  
Debby Platt, City of Marina  
Teresa Syzmanis, City of Marina  
Christine D'lorio, City of Marina  
Diana Ingersoll, City of Seaside  
Tim O'Halloran, City of Seaside  
Ray Corpuz, City of Salinas

Graham Bice, UC MBEST  
Anya Spear, CSUMB  
Patrick Breen, MCWD  
Mike Zeller, TAMC  
Kathleen Lee, Sup. Potter's Office  
Bob Schaffer  
Scott Hilk, MCP  
Crisand Giles, BIA Bay Area  
Brian Boudreau, Monterey Downs  
Scott Waltz, Sierra Club  
Chuck Lande, Marina Heights

FORA Staff:  
Steve Endsley  
Jim Arnold  
Crissy Maras  
Jonathan Garcia  
Lena Spilman

\* Voting Members

#### 2. PLEDGE OF ALLEGIANCE

Diana Ingersoll led the Pledge of Allegiance.

#### 3. ACKNOWLEDGEMENTS, ANNOUNCEMENTS AND CORRESPONDENCE

##### a. Status of FORA Initiatives

Deputy Clerk Lena Spilman provided a brief status report regarding the FORA initiatives. She noted that the Board would consider a resolution at their August meeting, ordering the placement of both initiatives on the November 5, 2013 county-wide ballot and delegating to the County Registrar of Voters authority to render all services relating to the election.

##### b. Capital Improvement Program (CIP) Correspondence:

- i. July 25, 2013 Letter from the Building Industry Association-Bay Area
- ii. July 25, 2013 Letter from Best Best & Kreiger LLP
- iii. July 26, 2013 FORA Response

Assistant Executive Officer Steve Endsley stated the correspondence had been provided for informational purposes and would be discussed under agenda item 8a.

#### 4. PUBLIC COMMENT PERIOD

None.

#### 5. APPROVAL OF MEETING MINUTES

##### a. July 17, 2013 Administrative Committee Minutes

MOTION: John Dunn moved, seconded by Layne Long, to accept the July 17, 2013 minutes, as presented.

MOTION PASSED: unanimous.

**6. AUGUST 9, 2013 BOARD MEETING – AGENDA REVIEW**

Mr. Endsley provided an overview of items on the August 9, 2013 Board meeting agenda.

**7. NEW BUSINESS**

**a. Consistency Determination: The Promontory at California State University, Monterey Bay**  
Senior Planner Jonathan Garcia introduced the item and Teresa Syzmanis, City of Marina, provided a brief overview of the project. City of Marina and FORA staff responded to questions regarding the details of the project and its effect on the Fort Ord Base Reuse Plan and Capital Improvement Plan (CIP).

MOTION: John Dunn moved, seconded by Benny Young, to recommend Board approval of Resolution 13-XX, concurring in the City of Marina’s legislative land use decision and development entitlement that the Marina General Plan text amendment, Specific Plan, Zoning Map amendment, and project entitlements related to The Promontory are consistent with the Fort Ord Base Reuse Plan, subject to satisfactory completion of #5 in the draft staff report.

SUBSIDIARY MOTION: Dan Dawson moved, seconded by John Dunn, to continue the item to the next regularly scheduled Administrative Committee meeting to allow time for resolution of outstanding items.

SUBSIDIARY MOTION PASSED: Ayes: Elizabeth Caraker, Daniel Dawson, John Dunn, Benny Young. Noe: Layne Long

**b. August 14, 2013 Special Administrative Committee Meeting – HCP Review**

Mr. Garcia stated that the meeting would likely be rescheduled for the end of August and that more information would be forthcoming.

**8. OLD BUSINESS**

**a. FY 2013/14 CIP**

Mr. Endsley introduced the item and Mr. Garcia reviewed recent updates to the CIP and a number of outstanding items from the previous meeting. Staff addressed questions and comments from members of the development community.

MOTION: John Dunn moved, seconded by Benny Young, to recommend Board adoption of the FY 2013/14 CIP, with the following direction:

- i. Modification of the August 9, 2013 staff report to reflect Committee discussion and identify areas for further Committee examination in preparation for FY 2014/15 CIP
- ii. Suggest commenting parties submit a clear and detailed explanation of comments and/or requested amendments, not to exceed one page in length.

MOTION PASSED: unanimous

**9. ITEMS FROM MEMBERS**

None

**10. ADJOURNMENT**

Chair Dawson adjourned the meeting at 9:41 a.m.



## FORT ORD REUSE AUTHORITY

### ADMINISTRATIVE COMMITTEE REGULAR MEETING MINUTES

1:30 p.m., Wednesday, August 7, 2013 | FORA Conference Room  
920 2<sup>nd</sup> Avenue, Suite A, Marina CA 93933

#### 1. CALL TO ORDER AND ROLL CALL

Co-Chair Houlemard called the meeting to order at 1:32 p.m. The following were present, as indicated by signatures on the roll sheet:

Elizabeth Caraker, City of Monterey\*  
Layne Long, City of Marina\*  
Benny Young, County of Monterey\*  
Anya Spear, CSUMB  
Christi DiIorio, City of Marina

Bob Schaffer  
David Moon, Sierra Club

FORA Staff:  
Michael Houlemard  
Steve Endsley  
Robert Norris  
Jonathan Garcia  
Lena Spilman

\* Voting Members

#### 2. PLEDGE OF ALLEGIANCE

Benny Young led the Pledge of Allegiance.

#### 3. ACKNOWLEDGEMENTS, ANNOUNCEMENTS AND CORRESPONDENCE

None.

#### 4. PUBLIC COMMENT PERIOD

None.

#### 5. OLD BUSINESS

##### a. **Consistency Determination: The Promontory at California State University, Monterey Bay.**

Co-Chair Houlemard explained that the FORA Executive Committee had requested the Administrative Committee conduct further review of the consistency determination for The Promontory at CSUMB in hopes that they might resolve all outstanding issues prior to the August 9, 2013 Board meeting. He noted that FORA staff had met with City of Marina staff to address comments received at the previous week's Administrative Committee meeting.

The Committee received comments from members of the public and development community and the City of Marina answered questions regarding the project. Co-Chair Houlemard noted that the staff report would be amended to reflect the discussion and would include clarification of comments received from the Sierra Club at the previous meeting.

**MOTION:** Benny Young moved, seconded by Elizabeth Caraker, to recommend Board concur in the City of Marina's consistency determination for The Promontory at California State University, Monterey Bay legislative land use decision and development entitlement project submittal.

**MOTION PASSED:** unanimous

#### 6. ITEMS FROM MEMBERS

None

#### 7. ADJOURNMENT

Co-Chair Houlemard adjourned the meeting at 2:26 p.m.

# FORT ORD REUSE AUTHORITY BOARD REPORT

## EXECUTIVE OFFICER'S REPORT

**Subject:** Water/Wastewater Oversight Committee

**Meeting Date:** September 13, 2013

**Agenda Number:** 12d

**INFORMATION**

### RECOMMENDATION:

Receive a report from the Water/Wastewater Oversight Committee (WWOC).

### BACKGROUND/DISCUSSION:

The WWOC met jointly with the Administrative Committee on September 4, 2013. The draft minutes from that meeting are attached for your review (**Attachment A**).

### FISCAL IMPACT:

Reviewed by FORA Controller 

Staff time for this item is included in the approved FORA budget.

### COORDINATION:

WWOC, Administrative Committee, Marina Coast Water District

Prepared by   
Crissy Maras

Approved by   
Michael A. Houlemard, Jr.



# FORT ORD REUSE AUTHORITY

## JOINT ADMINISTRATIVE AND WATER/WASTEWATER OVERSIGHT COMMITTEE

Wednesday, September 4, 2013

920 2<sup>nd</sup> Avenue, Suite A, Marina, CA 93933 (FORA Conference Room)

### MINUTES

**1. CALL TO ORDER IMMEDIATELY FOLLOWING ADMINISTRATIVE COMMITTEE MEETING**

Administrative Committee Co-Chair Daniel Dawson called the meeting to order at 9:00 AM. The following were present, as indicated by signatures on the roll sheet:

Committee Members:

Daniel Dawson, City of DRO  
Carl Holm, County of Monterey  
Elizabeth Caraker, City of Monterey  
Tim O'Halloran, City of Seaside  
Dirk Medema, County of Monterey DPW  
Graham Bice, UCMBEST  
Mike Lerch, CSUMB  
Anya Spear, CSUMB  
Rick Reidl, City of Seaside

Staff:

Michael Houlemard, FORA  
Steve Endsley, FORA  
Jim Arnold, FORA  
Crissy Maras, FORA  
Kelly Cadiente, MCWD  
Patrick Breen, MCWD

Others:

Bob Schaffer  
Vicki Nakamura  
Kathleen Lee  
Beth Palmer

**2. ACKNOWLEDGEMENTS, ANNOUNCEMENTS AND CORRESPONDENCE**

None

**3. PUBLIC COMMENT PERIOD**

None

**4. APPROVAL OF MEETING MINUTES**

**a. July 17, 2013 WWOC Minutes**

MOTION: Tim O'Halloran moved, seconded by Carl Holm, to approve the July 17, 2013 minutes as presented.

MOTION PASSED: Unanimous.

**5. OLD BUSINESS**

**a. FY 2013-14 Ord Community Budget**

**i. MCWD Draft Rate Study**

MCWD staff presented the Ord Community Water/Wastewater Systems Proposed Compensation Plan for FY 2013-2014. The rate study concluded that until there is a mechanism in place to collect a FORA voluntary contribution toward the water and wastewater collection systems as outlined in the FORA Capital Improvement Program, the capacity charge should not include the assumption that those funds will be collected. Therefore, the capacity charge currently presented does not include a FORA voluntary contribution. MCWD staff noted that fire service is being shown as new revenue, and that capital projects reflect mainly pre-construction expenses. The MCWD Board did not accept the MCWD staff recommendation to

revise the reserve policy as previously reported to the committees, resulting in reserves that do not meet a more stringent target.

Committee members asked questions and made editing suggestions. A revised budget will be brought forward to the committees prior to presentation to the FORA Board.

The MCWD Board recommended changes to the rate study at their last meeting and will review the final rate study at their September 16<sup>th</sup> meeting.

6. **SCHEDULE NEXT MEETING**

The next meeting was scheduled for September 18, 2013.

7. **ADJOURNMENT**

Co-Chair Dawson adjourned the meeting at 9:55 a.m.

Minutes prepared by Crissy Maras, Grants and Contracts Coordinator

Approved by: \_\_\_\_\_  
Michael A. Houlemard, Jr.



# FORT ORD REUSE AUTHORITY BOARD REPORT

## EXECUTIVE OFFICER'S REPORT

<b>Subject:</b> Post Reassessment Advisory Committee	
<b>Meeting Date:</b> September 13, 2013	<b>INFORMATION/ACTION</b>
<b>Agenda Number:</b> 12e	

### RECOMMENDATION(S):

- i. Receive an update on California State University Monterey Bay (CSUMB) hosted Fort Ord Reuse Issues Colloquia.
- ii. Approve attached budget support for the Colloquia event (**Attachment A**).

### BACKGROUND/DISCUSSION:

At its July meeting, the Fort Ord Reuse Authority (FORA) Board provided direction to proceed with a 4 issue Colloquia hosted by/at CSUMB. Since that action, the Post Reassessment Advisory Committee (PRAC) met on August 12 and 19 to coordinate event program planning with CSUMB (see attached meeting minute: **Attachment B**). A third PRAC-CSUMB coordination meeting is scheduled on September 10, 2013 (10:30 am) at the FORA office. Additional reporting to the Board from that meeting is expected.

During its August discussions, the PRAC requested staff to poll FORA Board members and others to determine the preferred days for the Colloquia. The results of polling as of this writing were: 17 votes for Wednesday, Thursday, and Friday; 5 votes for Thursday, Friday, and Saturday; and 1 vote for Friday, Saturday, and Sunday. Depending on structure, it may be possible to conduct the colloquia within two days.

CSUMB has currently reserved its facilities for October 9, 10, and 11 to host the Colloquia event. FORA staff requests budget authorization to: 1) "advertise" the event; 2) obtain experts for the event's discussion topics; 3) secure a workshop facilitator; and 4) reimburse CSUMB for additional expenses such as food, special equipment, and special services during the event. Staff notes that the attached budget is an estimate. Actual expenditures may be less in the event of cost savings in several categories.

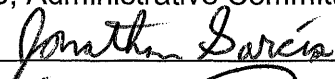
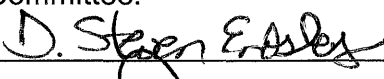
### FISCAL IMPACT:

Reviewed by FORA Controller 

Staff time for this item is included in the approved FORA budget. The \$56,725 in estimated Colloquia budget is included in the approved FY 13-14 budget for the Base Reuse Plan Post Reassessment.

### COORDINATION:

PRAC, CSUMB, Administrative Committee, and Executive Committee.

Prepared by  Reviewed by 

Jonathan Garcia

Steve Endsley

Approved by 

Michael A. Houlemard, Jr.

**Fort Ord Reuse Issues Colloquia Budget**

Expense Item Description	Estimated Cost
Event Advertisement	\$ 5,000
Experts	
Travel	\$ 12,500
Lodging and meals	\$ 9,225
Honoraria	\$ 15,000
Workshop Facilitator	\$ 10,000
Additional CSUMB expenses	\$ 5,000
<b>Total Budget</b>	<b>\$ 56,725</b>



# Fort Ord Reuse Authority

920 2<sup>nd</sup> Avenue, Suite A, Marina, CA 93933  
Phone: (831) 883-3672 • Fax: (831) 883-3675 • v

Attachment B to Item 12e  
FORA Board Meeting, 9/13/2013

## BASE REUSE PLAN POST-REASSESSMENT ADVISORY COMMITTEE MEETING 3:00 P.M. MONDAY, August 12, 2013

920 2nd Avenue, Suite A, Marina CA 93933 (FORA Conference Room)

### ACTION MINUTES

#### 1. CALL TO ORDER AT 3:00 P.M.

Confirming a quorum, Fort Ord Reuse Authority (FORA) Board of Directors Chair Jerry Edelen called the meeting to order at 3:10 PM. The following people, indicated by signatures on the roll sheet, attended:

##### Committee Members

Dr. Tom Moore, MCWD  
Gail Morton, City of Marina  
Jerry Edelen, City of DRO  
Victoria Beach, City of Carmel  
-by-the-Sea  
President/Dr. Eduardo Ochoa,  
CSUMB

##### Other Attendees

Michael Houlemard, FORA (via conference phone)  
Kristi Markey, Supervisor Jane Parker's office  
Jane Haines, member of the public  
Scott Waltz, Sierra Club representative  
Steve Endsley, FORA  
Jonathan Garcia, FORA  
Andre Lewis, CSUMB

#### 2. ACKNOWLEDGEMENTS, ANNOUNCEMENTS AND CORRESPONDENCE: None.

#### 3. PUBLIC COMMENT PERIOD: None.

#### 4. APPROVAL OF June 27, 2013 MEETING MINUTES:

Motion: Committee member Dr. Tom Moore moved approval of the minutes as presented, seconded by Committee member Victoria Beach.

Motion Passed: unanimous.

#### 5. NEW BUSINESS

Base Reuse Plan Post-Reassessment Colloquium Planning

ACTION

- i. Discuss colloquium coordination with CSUMB.

Committee members greeted CSUMB President Eduardo Ochoa and began discussion of coordination efforts.

- ii. Review four discussion topics

Committee members reviewed the four discussion topics and discussed how they had evolved since the original colloquium concept developed by Committee member President Eduardo Ochoa.

- iii. Provide direction on proposed colloquium format/scheduling

The Committee discussed anticipated outcomes from the colloquium, such as: benefiting the local community through outside expertise and sharing of ideas, developing a common knowledge base, and learning best practices from successful and unsuccessful case studies. Committee members noted that creating a high-quality colloquium event was preferable to an aggressive delivery schedule. The Committee agreed in general terms to a 3-day colloquium concept:

Day 1: President Eduardo Ochoa to convene the event and introduce four topics  
Discussion Topic #1: Economic Development

Day 2: Discussion Topic #2: BRP Design Guidelines

Day 3: Discussion Topic #3: Blight Removal (one-third of day)  
Discussion Topic #4: National Monument (one-third of day)  
Closing: Summarize and synthesize key ideas (one-third of day)

iv. Consider next steps

For the next PRAC meeting, the following tasks were identified:

1. FORA staff will complete an updated Colloquium Format/Schedule for review.
  2. FORA staff, working with CSUMB, will present a list of potential colloquium speakers with speaker bios attached.
  3. FORA staff will poll its Board members to ascertain a preferred 3-day combination for the colloquium. Option 1: Wed., Thurs., Fri.  
Option 2: Thurs., Fri., Sat.  
Option 3: Fri., Sat., Sun.
  4. Next PRAC meeting was scheduled for Monday, August 19, 2013 at 3:00 pm.
6. **ITEMS FROM MEMBERS:** None.
7. **ADJOURNMENT:** The meeting was adjourned at approximately 4:30 pm.

Minutes prepared by Jonathan Garcia.



# Fort Ord Reuse Authority

920 2<sup>nd</sup> Avenue, Suite A, Marina, CA 93933

Phone: (831) 883-3672 • Fax: (831) 883-3675 • www.fora.org

## BASE REUSE PLAN POST-REASSESSMENT ADVISORY COMMITTEE MEETING

3:00 P.M. MONDAY, August 19, 2013

920 2<sup>nd</sup> Avenue, Suite A, Marina CA 93933 (FORA Conference Room)

### ACTION MINUTES

#### 1. CALL TO ORDER AT 3:00 P.M.

Confirming a quorum, Fort Ord Reuse Authority (FORA) Board of Directors Chair Jerry Edelen called the meeting to order at 3:04 PM. The following people, indicated by signatures on the roll sheet, attended:

##### Committee Members

Dr. Tom Moore, MCWD  
Gail Morton, City of Marina  
Jerry Edelen, City of DRO  
Victoria Beach, City of Carmel  
-by-the-Sea  
Andre Lewis, CSUMB

##### Other Attendees

Michael Houlemard, FORA  
Steve Endsley, FORA  
Jane Haines, member of the public  
Scott Waltz, Sierra Club representative  
Jonathan Garcia, FORA

2. **ACKNOWLEDGEMENTS, ANNOUNCEMENTS AND CORRESPONDENCE:** Executive Officer Michael Houlemard announced that the California Department of Veterans Affairs submitted its grant application to the federal Department of Veterans Affairs' state veterans cemetery grant program by the August 15, 2013 deadline.

3. **PUBLIC COMMENT PERIOD:** Jane Haines commented on the second page of the staff report where there is reference to "Case Studies Presentation, including FORA Highway 1 Design Corridor Design Guidelines adopted in 2005" under the proposed Day 2 schedule. Ms. Haines commented that she did not think that FORA Highway 1 Design Corridor Design Guidelines should be discussed at all during the colloquium. She cited several excerpts from page 71 of the Base Reuse Plan and noting that they supported her statements (hard copy attached to minutes).

#### 4. APPROVAL OF August 12, 2013 MEETING MINUTES

Motion: Committee member Dr. Tom Moore moved approval of the minutes as presented, seconded by Committee member Gail Morton.

Motion Passed: unanimous.

#### 5. NEW BUSINESS

Base Reuse Plan Post-Reassessment Colloquium Planning

ACTION

i. Provide direction on proposed colloquium format/scheduling

Committee members discussed potential subtopic areas after reviewing the potential colloquium speakers. Committee members identified the following subtopic areas:

Economic Development

- a) Political Process
- b) Attracting Employers
- c) Optimizing Job Mix
- d) Optimizing Retail

e) Anticipating the Market

#### Design Guidelines

- a) Design Character as an Economic Amplifier
- b) Political Process – balancing common design character over multiple jurisdictions
- c) Cutting Edge Planning Tools
  - i. Community Charrette
  - ii. Form Based Planning

#### National Monument

- f) Catalyst for Economic Recovery
- g) How to Incorporate in City and County Planning
- h) Recreation/Open Space Connections

#### Blight Removal

- a) Broken Windows Case Study
- b) Financing Solutions

ii. Provide direction on list of potential colloquium speakers

Committee member Gail Morton voiced strong concerns that a number of potential speakers listed under the National Monument topic missed the mark. She identified the potential speaker with Headwaters Economics as the expert she thought worked. She also suggested the Stanford Research Institute as another source for potential speakers on the National Monument topic. The Committee then re-directed most of its time on the format/scheduling discussion.

iii. Provide direction after reviewing results of FORA Board poll  
on days for 3-day colloquium

Committee members reviewed the results of the FORA Board poll and requested that staff conduct polling of Fort Ord jurisdictions and other jurisdictions in Monterey County.

iv. Consider next steps

For the next PRAC meeting, the following tasks were identified:

1. FORA staff, working with CSUMB, will present a list of potential colloquium speakers with speaker bios attached.
2. FORA staff will poll its Administrative Committee members and other Cities in Monterey County to ascertain their preferred 3-day combination for the colloquium.
  - Option 1: Wed., Thurs., Fri.
  - Option 2: Thurs., Fri., Sat.
  - Option 3: Fri., Sat., Sun.
3. FORA staff will circulate draft meeting minutes to PRAC members to summarize today's discussion.
4. Next PRAC meeting was scheduled for Tuesday, September 10, 2013 at 10:30 am.

**6. ITEMS FROM MEMBERS:** None.

**7. ADJOURNMENT:** The meeting was adjourned at approximately 5:15 pm.

Minutes prepared by Jonathan Garcia.



### Landscape and Open Space

The visual character of the Peninsula is greatly determined by the quality of the natural and introduced landscape pattern and materials. The former Fort Ord encompasses a vast area which ranges from coastal sand dunes to upper reaches of oak woodland and chaparral. The Main Garrison area, where uses were principally located, has very little introduced or formal landscaping; consequently the image of the area is rather bleak and uninviting. As the former Fort Ord will be developed over time, major vegetation and landscaping should be introduced in these development areas to create a more inviting and pedestrian scale environment, and to integrate the site as a whole into the larger Peninsula environment. The open space areas include the UC/NRS Fort Ord Natural Reserve, the Frog Pond, the Bureau of Land Management open space area, Fort Ord Dunes State Park and other units to be owned by the Monterey Peninsula College, and the California Native Plant Society.

- *Incorporate principles articulated in the Habitat Management Plan (HMP) as good practices throughout the entire base.*
- *Ensure that open space connections are provided to link major recreation and open space amenities within the base and also to adjacent regional resources.*
- *Provide a generous pattern of open space and recreation resources through public facilities and publicly accessible private development. Ensure that the open space resources of CSUMB and other major developments are available to the community at large.*
- *Establish an open space corridor of a minimum of 100 feet along the entire eastern edge of State Highway 1, and landscape this Fort Ord corridor via a master landscape plan, to reinforce the regional landscape setting along the entryway to the northerly peninsula.*
- *Establish a pattern of landscaping of major and minor streets, including continuous street tree plantings to define gateways to the former Fort Ord and enhance the visual quality and environmental comfort within the community.*
- *Encourage a pattern of development at the neighborhood and district levels that ensures a generous provision of open space.*

# FORT ORD REUSE AUTHORITY BOARD REPORT

## EXECUTIVE OFFICER'S REPORT

**Subject:** Veterans Issues Advisory Committee

**Meeting Date:** September 13, 2013

**Agenda Number:** 12f

**INFORMATION**

### RECOMMENDATION:

Receive a report from the Veterans Issues Advisory Committee (VIAC).

### BACKGROUND/DISCUSSION:

The VIAC met on August 29, 2013. The draft minutes from that meeting are attached for your review (**Attachment A**).

### FISCAL IMPACT:

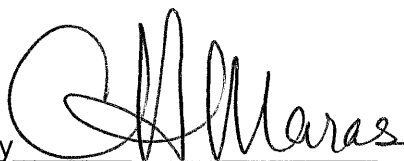
Reviewed by FORA Controller 

Staff time for this item is included in the approved FORA budget.

### COORDINATION:

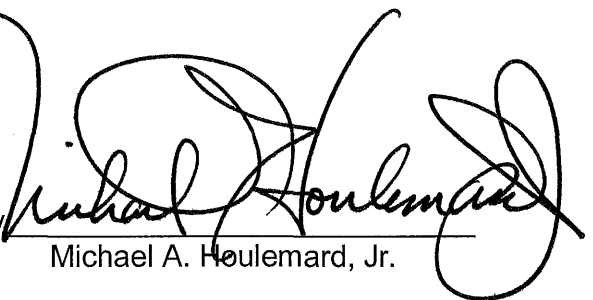
VIAC

Prepared by



Crissy Maras

Approved by



Michael A. Houlemard, Jr.





## FORT ORD REUSE AUTHORITY VETERANS ISSUES ADVISORY COMMITTEE REGULAR MEETING MINUTES

3:00 p.m., Thursday, August 29, 2013 | FORA Conference Room  
920 2<sup>nd</sup> Avenue, Suite A, Marina, CA 93933

### 1. CALL TO ORDER AND ROLL CALL

Chair Edelen called the meeting to order at 3:00 p.m. The following were present, as indicated by signatures on the roll sheet:

#### VIAC Members:

Jerry Edelen, FORA Board  
James Bogan, United Veterans Council  
Sid Williams, Mo. Co. Military/Vets  
Wes Morrill, Mo. Co. Vets Services  
Edith Johnsen, Vets Families/Fundraising  
Greg Nakanishi, CCVC Foundation  
Jack Stewart, Cemetery Advisory Comm.  
Thomas Moore, FORA Board

#### FORA Staff:

Michael Houlemard  
Robert Norris  
Crissy Maras

#### Others:

Sonja Arndt, Rep. Farr  
Nicole Charles, Sen. Monning  
Erica Parker, Asm. Stone  
Richard Garza, CCVCF  
Kathleen Lee, Sup. Potter  
George Dixon, DMVA

### 2. PLEDGE OF ALLEGIANCE

Chair Edelen asked Sid Williams to lead the Pledge of Allegiance.

### 3. ACKNOWLEDGEMENTS, ANNOUNCEMENTS AND CORRESPONDENCE

Wes Morrill introduced George Dixon with the Military Veterans Affairs.

### 4. PUBLIC COMMENT PERIOD

None.

### 5. APPROVE VIAC MEETING MINUTES: June 27, 2013

MOTION: Sid Williams moved, seconded by Greg Nakanishi, to accept the June 27, 2013 minutes as presented.

MOTION PASSED: Unanimous

### 6. OLD BUSINESS

#### a. California Central Coast Veterans Cemetery Status Report

The California Department of Finance gave certification to forward the cemetery construction grant application to the US Department of Veterans Affairs. A response is expected by October 1<sup>st</sup>. Staff will continue to work on verifying the water supply, refining the cost estimate, and processing the property transfer deeds and contract with the State.

Nicole Charles reported that there is currently a \$2.6M funding gap, which represents costs that are not reimbursable by the federal grant. She noted the importance of demonstrating local support through fundraising. Ms. Charles and Sonya Arndt discussed possible bill amendments to address language that is out of date, the endowment and Operations & Maintenance costs.

Committee members asked FORA to explore alternative funding options, like the possibility of a loan, to meet the funding gap.

**b. VA/DoD Veterans Clinic Status Report**

Veterans Affairs anticipates selecting a master developer in September 2013 with construction beginning in 2014.

**7. NEW BUSINESS**

**a. Fort Ord Initiatives Status Report**

Both initiatives were qualified and the FORA Board acted to place them on the ballot for the November 5<sup>th</sup> election. The City of Seaside challenged that both initiatives violate local land use authority and requested an expeditious review prior to the election. The request for expeditious review was denied. FORA anticipates election costs to be \$1-1.2M

**8. ITEMS FROM MEMBERS**

None.

**9. ADJOURNMENT**

Chair Edelen adjourned the meeting at 3:55 p.m.

Minutes prepared by Crissy Maras, Grants and Contracts Coordinator

Approved by: \_\_\_\_\_

Michael A. Houlemard, Jr.

# FORT ORD REUSE AUTHORITY BOARD REPORT

## EXECUTIVE OFFICER'S REPORT

**Subject:** Travel Report

**Meeting Date:** September 13, 2013

**Agenda Number:** 12g

**INFORMATION**

### RECOMMENDATION(S):

Receive an informational travel report from the Executive Officer.

### BACKGROUND/DISCUSSION:

The Executive Officer regularly submits reports to the Executive Committee providing details of his travel requests, including those by the Fort Ord Reuse Authority ("FORA") staff and Board members. Travel expenses may be paid or reimbursed by FORA, outside agencies/ jurisdictions/ organizations, or a combination of these sources. The Executive Committee reviews and approves these requests, and the travel information is reported to the Board as an informational item.

### UPCOMING TRAVEL:

#### **Association of Defense Communities (ADC) Base Redevelopment Forum**

**Destination:** Portland, ME

**Date:** September 24-27, 2013

**Traveler/s:** Michael Houlemard, Daniel Dawson

**Purpose:** The ADC requested that Executive Officer Houlemard chair/provide the opening keynote panel address at their 2013 Base Redevelopment Forum in Portland, Maine. This participation was approved by the Executive Committee. The Board approved Mr. Dawson's attendance at their August 9, 2013 meeting.

**Destination:** Sacramento, CA

**Date:** September 30-October 1, 2013

**Traveler/s:** Chair Edelen, Michael Houlemard, Stan Cook

Mr. Houlemard and ESCA Program Manager Stan Cook will meet with the California Department of Toxic Substances Control on October 1, 2013 in Sacramento. Additional meetings may be scheduled with the Department of Fish and Wildlife, the Department of General Services, the Department of Veterans Affairs, and others. Chair Edelen may participate in these meetings and an overnight stay could be required, depending upon the final meeting schedule.

### FISCAL IMPACT:

Reviewed by FORA Controller 

Staff time for this item was included in the approved annual budget. Travel expenses are reimbursed according to the FORA Travel Policy.

### COORDINATION:

Executive Committee

Prepared by

  
Lena Spilman

Approved by

  
Michael A. Houlemard, Jr.

# FORT ORD REUSE AUTHORITY BOARD REPORT

## EXECUTIVE OFFICER'S REPORT

<b>Subject:</b>	Public Correspondence to the Board	
<b>Meeting Date:</b>	September 13, 2013	<b>INFORMATION</b>
<b>Agenda Number:</b>	12h	

Public correspondence submitted to the Board is posted to FORA's website on a monthly basis and is available to view at <http://www.fora.org/Board/PublicComm.html>.

Correspondence may be submitted to the Board via email to [board@fora.org](mailto:board@fora.org) or mailed to the address below:

FORA Board of Directors  
920 2<sup>nd</sup> Avenue, Suite A  
Marina, CA 93933