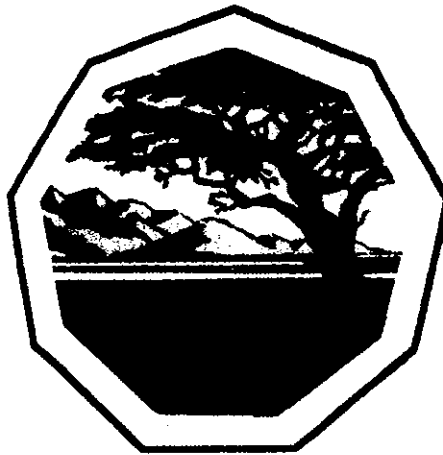


Fort Ord Reuse Authority



Board Packet
For
Board Meeting
November 12, 2010



Fort Ord Reuse Authority

100 12th Street, Building 2880, Marina, CA 93933

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

BOARD OF DIRECTORS MEETING

Friday, November 12, 2010

4:30 p.m. FORA Conference Facility/Bridge Center

201 - 13th Street, Building 2925, Marina (on the former Fort Ord)

AGENDA

1. CALL TO ORDER AND ROLL CALL

2. PLEDGE OF ALLEGIANCE

3. ACKNOWLEDGEMENTS, ANNOUNCEMENTS AND CORRESPONDENCE

Resolution of Appreciation and Commendation for Dianne Church.

4. PUBLIC COMMENT PERIOD: Members of the audience wishing to address the Fort Ord Reuse Authority ("FORA") Board on matters within the jurisdiction of FORA, but not on this agenda, may do so during the Public Comment Period. Public comments are limited to a maximum of three minutes. Public comments on specific agenda items will be heard at the time the matter is under Board consideration.

5. CONSENT AGENDA

ACTION

- a. October 8, 2010 FORA Board meeting minutes
- b. City of Seaside request to fund traffic engineering services related to the opening of General Jim Moore Boulevard connector roads
- c. 2011 FORA Board meeting dates

6. OLD BUSINESS

- a. General Jim Moore Boulevard Phase V and Eucalyptus Road Phase II completion

INFORMATION/ACTION

7. NEW BUSINESS

- a. Fiscal year 2011 Legislative Agenda

INFORMATION/ACTION

8. EXECUTIVE OFFICER'S REPORT

- a. Administrative Committee - report
- b. Capital Improvement Program – work plan status report
- c. Habitat Conservation Plan – status report
- d. Outstanding Receivables – update

INFORMATION

INFORMATION

INFORMATION

INFORMATION

9. ITEMS FROM MEMBERS

INFORMATION

10. CLOSED SESSION

- a. Preston Park sale
- b. Possible Litigation

11. REPORT OUT OF CLOSED SESSION

12. ADJOURNMENT

*Information about items on this agenda or persons requesting disability related modifications and/or accommodations can contact the Deputy Clerk at: 831-883-3672 * 100 12th Street, Building 2880, Marina, CA 93933 by 5:00 p.m. one business day prior to the meeting. Agendas can also be found on the FORA website: www.fora.org.*

FORT ORD REUSE AUTHORITY

Resolution of Appreciation and Commendation

Dianne Virginia Church

WHEREAS, Dianne Virginia Church served as Economic Development Representative for the United States Department of Commerce Economic Development Administration ("EDA") for 32 years of a 42-year federal government career; and

WHEREAS, Ms. Church provided consistent, extraordinary support for community economic development needs in all facets of her work; and

WHEREAS, Dianne made significant and valuable contributions to Monterey Bay regional recovery from the 1994 closure of the former Fort Ord, delivering the highest quality technical support for the jurisdictional, University of California, and California State University reuse programs; and

WHEREAS, during Ms. Church's EDA Region 9 tenure more than \$100M in federal grant funding was awarded to former Fort Ord projects creating jobs, economic development, and infrastructure serving Monterey, Santa Cruz, and San Benito counties; and

WHEREAS, Dianne Church deployed her responsibilities in a professional, dedicated and thoughtful manner, with the highest integrity; and

WHEREAS, Dianne conducted herself with an air of class, sense of dignity, and a spirit of cooperation – always with world-class southern hospitality!

NOW, THEREFORE, BE IT RESOLVED that on behalf of the Fort Ord Reuse Authority staff, the jurisdictions and their respective staffs, and many others, the Fort Ord Reuse Authority Board of Directors extends its sincere appreciation and best wishes for Ms. Church's retirement.



Mayor Ralph Rubio, Chair

November 12, 2010
Date

Resolution # 10-15

**MINUTES
of the
FORT ORD REUSE AUTHORITY
BOARD OF DIRECTORS' MEETING
Fort Ord Reuse Authority Conference Facility/Bridge Center
November 12, 2010**

1. CALL TO ORDER

With a quorum present Chair/Mayor Ralph Rubio called the November 12, 2010 Board of Directors meeting to order at 4:32 p.m.

Voting members present:

Chair/Mayor Ralph Rubio (City of Seaside)
Councilmember Jim Ford (City of Marina)
Mayor David Pendergrass (City of Sand City)
Mayor Jerry Edelen (City of Del Rey Oaks)
Councilmember Tom Mancini (City of Seaside)

Mayor Pro-Tem Bill Kampe (City of Pacific Grove)
Councilmember Frank O'Connell (City of Marina)
Councilmember Janet Barnes (City of Salinas)
Mayor Sue McCloud (City of Carmel-by-the-Sea)
Councilmember Selfridge (City of Monterey)

Absent: Supervisor Parker (County of Monterey), Supervisor Calcagno (County of Monterey). Arriving after the roll call was Supervisor Dave Potter (County of Monterey).

Ex-Officio members present:

Dr. Bruce Margon (University of California Santa Cruz), Kevin Saunders (California State University Monterey Bay), Dr. Doug Garrison (Monterey Peninsula College), Gail Youngblood (Base Realignment and Closure), Kenneth Nishi (Marina Coast Water District), Pamela von Ness (United States Army) and Todd Muck (Transportation Agency of Monterey County).

Absent were representatives from the Monterey Peninsula Unified School District, Monterey Salinas Transit District and 27th State Assembly District. Arriving after the roll call were: Alec Arago (17th Congressional District) and David Meyerson (15th State Senate District).

- 2. PLEDGE OF ALLEGIANCE** - Chair Rubio asked Councilmember Mancini, who agreed, to lead the Pledge of Allegiance.
- 3. ACKNOWLEDGEMENTS, ANNOUNCEMENTS AND CORRESPONDENCE** – Executive Officer Houlemard announced that there was a memorandum distributed to members relating to Item 7a which are additions to the Legislative Agenda for 2011 made by the Legislative Committee. Chair Rubio acknowledged Dianne Church's retirement thanking her for the work she has done on behalf of the redevelopment of the former Fort Ord. Chair Rubio presented Ms. Church with a resolution of appreciation and commendation by the FORA Board. Chair Rubio called for a motion which was made by **1st Vice Chair/Supervisor Potter seconded by Councilmember Mancini and carried unanimously.**
- 4. PUBLIC COMMENT PERIOD** – none
- 5. CONSENT AGENDA** - Item 5a – October 8, 2010 FORA Board meeting minutes, City of Seaside request to fund traffic engineering services related to the opening of General Jim Moore Boulevard connector roads and 2011 FORA Board meeting dates. **Motion to approve the Consent Agenda was made by Councilmember Mancini seconded by Mayor Pro-Tem Kampe and carried. Councilmember Frank O'Connell abstained from the minutes portion of the agenda vote.**

6. OLD BUSINESS – Item 6a - General Jim Moore Boulevard Phase V and Eucalyptus Road Phase II completion. Executive Officer Houlemard thanked everyone who came to the General Jim Moore Boulevard opening on November 1st and introduced Senior Project Manager Jim Arnold. Mr. Arnold stated that the design work includes plans and spec's being drafted and recommended for approval to include 803 feet of remaining unimproved General Jim Moore Boulevard to the Project construction bidding documents as funding allows and only in order to utilize remaining grant funds. Mr. Arnold reported that this would include the South Boundary Road intersection with General Jim Moore Boulevard and completing this intersection will require processing a 2081 incidental take permit to allow the take of the Seaside birds beak that occurs at this intersection. He stated that at the December Board meeting he anticipates requesting authorization to advertise for bid. The anticipated components of the bid advertisement will be signalization and street lighting for General Jim Moore Boulevard, landscaping and extension of Eucalyptus Road to Parker Flats Cut-Off, which will enable preparation for the Eastside Parkway intersection. Mr. Arnold stated that FORA is confirming remaining funding as the current project is completed. Mr. Houlemard noted that the only action needed was to approve adding the construction of the 803 feet of the remaining unimproved General Jim Moore Boulevard which was not part of any approval of the Board in the past and will complete the project. Mayor Edelen commended Mr. Arnold's exemplary professional work with the City of Del Rey Oaks and expressed appreciation for the cooperation he exhibited. **Motion to adopt made by Mayor McCloud seconded by Potter and carried unanimously.**
7. NEW BUSINESS – Item 7a – FISCAL YEAR 2011 LEGISLATIVE Agenda – Executive Officer Houlemard noted the draft work program dated 11/3/10 and summarized each of the ten items listed. He noted that there were several additional items the Legislative Committee requested be included, particularly items I and J; I - Potential Legislation regarding Fort Ord Reuse Authority future obligations. Mr. Houlemard noted that this is a placeholder for the Board to discuss regarding obligations that may occur after FORA's current life, and item J - Support regional efforts to secure state legislation that would enable FORA jurisdictions to provide direct financial assistance to former Fort Ord commercial projects. Mr. Houlemard noted that the legislature passed this bill (AB 1791); however, the Governor vetoed the bill AB 1791. The local community may want to try again to pass this bill with the new Governor. **Motion to approve Fiscal Year 2011 Legislative Agenda was made by Councilmember Mancini, seconded by Councilmember Barnes and carried unanimously.**
8. EXECUTIVE OFFICER'S REPORT - There were four items summarized in this report: Item 8a (Administrative Committee report); Item 8b (Capital Improvement Program – work plan status report); Item 8c (Habitat Conservation Plan – status report); Item 8d (Outstanding Receivables). Executive Officer Houlemard highlighted item b and noted there was continued work in a favorable way with the consultant's review of the CIP which is on schedule. The Administrative Committee and Capital Improvement Program Committee meet on November 17th and will be working with the consultants. Item d – Outstanding receivables – Mr. Houlemard noted that several of the items have been collected. City of Marina – Community Hospital paid their fees and the Neeson Road projects' fees are still outstanding. City of Del Rey Oaks – The City has made interest reimbursement payments to FORA related to their outstanding Pollution and Legal Liability insurance policy payments. Finally, Union Community Partners is now current with their loan payments. Councilmember Ford had questions regarding the City of Marina outstanding payments. Executive Officer Houlemard noted that there were questions regarding the Neeson Road project. Mr. Houlemard assured the Board that all collections received since the September, 2010 will be formally reported to the Board by FORA Controller, Ivana Bednarik at the December 2010 meeting.
9. ITEMS FROM MEMBERS – None

10. CLOSED SESSION - There were two items on the Closed Session agenda a.) Preston Park Sale and b.) Possible Litigation. Item 10a.) included a conference with real property negotiators. Item 10 b.) was dismissed.

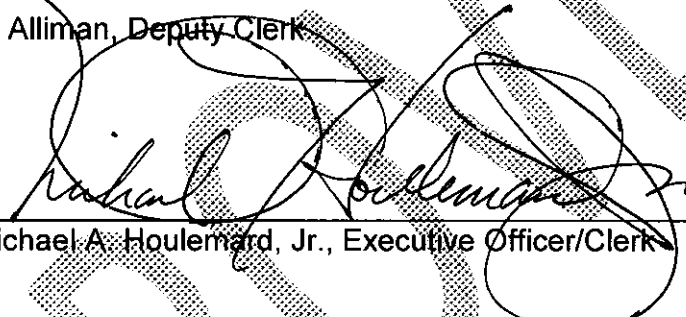
11. REPORT OUT OF CLOSED SESSION BY AUTHORITY COUNSEL - Executive Officer Houlemard and Authority Counsel Gerald Bowden reported out that the Board gave direction to the Executive Officer/negotiator regarding the sale of Preston Park as follows:

- a.) The FORA Board gave direction to make a specific offer to Marina and to conclude negotiations;
- b.) The FORA Board authorized the Executive Officer to make a binding offer for the Preston Park property with Marina; and
- c.) The FORA Board directed staff to set a meeting of the ad hoc Preston Park Negotiating Committee.

12. ADJOURNMENT - There being no further business, Chair Rubio adjourned the meeting at 5:32 p.m.

Minutes prepared by Daylene Alliman, Deputy Clerk

Approved by _____


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

FORT ORD REUSE AUTHORITY BOARD REPORT

CONSENT AGENDA

Subject:	City of Seaside request to fund traffic engineering services related to the opening of General Jim Moore Boulevard connector roads	
Meeting Date:	November 12, 2010	ACTION
Agenda Number:	5b	

RECOMMENDATION:

Approve the City of Seaside request to fund traffic engineering services related to the opening of General Jim Moore Boulevard ("GJMB") connector roads at San Pablo and Hilby Avenues.

BACKGROUND:

At the September 29th Administrative committee meeting and the joint Administrative / Capital Improvement Program ("CIP") committee meeting of October 20th, members reviewed the request from the City of Seaside to fund traffic engineering services needed prior to opening the GJMB connector roads into the City of Seaside at San Pablo and Hilby Avenues. The request to fund the study was unanimously approved by the joint committee on October 20th. The committee additionally requested to review the scope of work (**Attachment A**) which was subsequently provided to them.

DISCUSSION:

The Fort Ord Reuse Authority ("FORA") environmental document prepared for the GJMB construction project did not analyze the traffic impacts resulting from opening the City of Seaside connector roads. The City of Seaside General Plan requires a traffic study be performed prior to opening these new connections. Currently, at the completion of the GJMB construction, the connector roads will be barricaded and not opened to traffic.

FISCAL IMPACT:

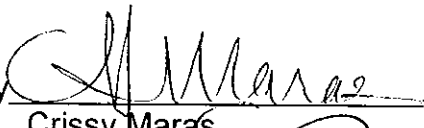
Reviewed by FORA Controller 

The fixed fee budget of the traffic study is \$25,000 for the basic scope, or \$26,530 for the basic scope plus the optional task 7, which includes consultant staff attending one Traffic Advisory Committee meeting and one City Council meeting. FORA would reimburse the City of Seaside for the consulting expense *not to exceed* \$26,530. This expense will be paid by development fee funds budgeted for the GJMB project.

COORDINATION:

Administrative Committee, CIP Committee, Executive Committee, City of Seaside

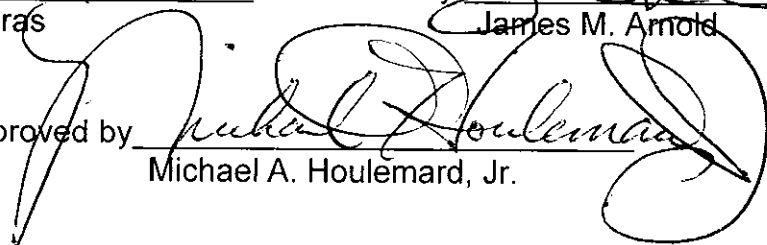
Prepared by


Crissy Maras

Reviewed by


James M. Arnold

Approved by


Michael A. Houlemard, Jr.

Hatch Mott MacDonald

Attachment A
To Item 5b
FORA Board Meeting, November 12, 2010

September 3, 2010

Tim O'Halloran
City of Seaside Public Works Department
440 Harcourt Avenue
Seaside, CA 93955

RE: General Jim Moore Neighborhood Access Study, Seaside, California

Dear Tim:

Per your request, Hatch Mott MacDonald (HMM) has prepared this proposal to provide traffic engineering services related to the planned construction of the proposed San Pablo Avenue and Hilby Avenue connections to General Jim Moore Boulevard in Seaside, California. The Fort Ord Reuse Authority (FORA) is currently upgrading General Jim Moore Boulevard to four lanes in eastern Seaside, and plans to implement the city-proposed extensions of San Pablo and Hilby Avenues to General Jim Moore as part of the upgrade. These connections are anticipated to be opened for traffic in November 2010.

The two new connections to General Jim Moore Boulevard would result in additional traffic using both San Pablo and Hilby Avenues, including potential diversions of traffic away other parallel routes (principally Broadway Avenue and Coe Avenue). The City of Seaside General Plan requires a traffic study be performed prior to the opening of these new connections; the scope of work within this proposal would represent that study.

This scope of work will focus upon the following aspects of the project:

1. Determine level of traffic increase caused by the new connections;
2. Identify impacts to neighborhoods affected by the travel diversions and identify improvements that would mitigate impacts upon neighborhoods;
3. Present results and obtain input from community regarding recommended improvements; and
4. Utilize community feedback in finalizing recommended improvements.

A. Scope of Work

The following scope of work is proposed for this project:

Task 1: Data Collection and Site Visit

Roadway segment volume counts will be conducted along the following roadways:

1. San Pablo Avenue, between Nadina Street and Mescal Street;
2. Mescal Street, north and south of San Pablo Avenue;
3. Hilby Avenue, between Noche Buena and Mescal Street;
4. Mescal Street, north and south of Hilby Avenue;
5. Broadway Avenue; and
6. Yosemite Street, north of Hilby Avenue.

Hatch Mott MacDonald

These counts will be conducted for 7 consecutive days, in order to quantify the average daily traffic on each roadway.

A site visit will be made to the neighborhoods surrounding each corridor. Tasks to be performed during this site visit include field measurements, observations of traffic movements, identification of adjacent land uses, photographs, etc. This information will be utilized during the development of the improvement plan for the corridors.

Task 2: Future Traffic Forecasting

Future traffic volumes along both San Pablo and Hilby Avenues will be estimated, both with and without the new connections to General Jim Moore Boulevard. Derivation of these volumes will be based upon forecasts from previous traffic impact analyses in the area, plus forecasts from the Association of Monterey Bay Area Governments' (AMBAG) regional travel demand model. The AMBAG model will be run for the following scenarios:

- Base year no project (as is)
- Base year with project (two new connections)
- Future year (2030) no project
- Future year (2030) with project

The model runs will be used in conjunction with traffic volumes documented in other sources to develop traffic volume projections with and without the project. With versus without project traffic volumes will be reviewed to assess the level of impact to San Pablo Avenue, Hilby Avenue, and adjacent neighborhoods. Impacts will be assessed based on segment operating conditions and impacts to the quality of life resulting from changes to traffic levels.

To use the AMBAG model, a model user agreement will need to be signed by HMM, the City Manager for the City of Seaside, and AMBAG. We will begin this process immediately, so that the necessary model work can begin on schedule.

Task 3: Initial Public Workshop

In conjunction with City of Seaside staff, Hatch Mott MacDonald will conduct a public workshop. HMM staff will present various low cost but effective traffic calming options that could be implemented, and will solicit suggestions on types and locations from the public. Possible improvements could include signing, speed humps, roadway narrowings, bulb-outs, raised crosswalks, partial closures, and full closures, amongst others. One workshop will be conducted that covers both study areas.

Task 4: Create Draft Improvement Plan

The comments received from the public workshop, along with any additional City input, will be incorporated into a draft improvement plan. The plan will be a schematic design that would include various traffic calming and traffic diverting improvements along the San Pablo and Hilby Avenue corridor and surrounding neighborhoods.

Task 5: Second Public Workshop

In conjunction with City of Seaside staff, Hatch Mott MacDonald will conduct second public workshop to review the draft improvement plan. HMM staff will discuss the recommendations and solicit further input on the improvement plan from the public. One workshop will be conducted that covers both study areas.

Task 6: Improvement Plan Revisions and Documentation

The comments received from the public workshop, along with any additional City input, will be incorporated into a final draft improvement plan for both the San Pablo and Hilby Avenue corridors. The final draft improvement plan, along with the findings and conclusions of the analysis will be presented in a letter report, including appropriate tables and graphics. An administrative draft report will be submitted for review and comment by City staff. City comments will be incorporated into a final plan and report, for future implementation by the City of Seaside.

Note: Only one round of revisions to either the improvement plan or report is envisioned between the updated final draft and final reports. Additional rounds of revisions after the public workshop would be considered additional work and subject to an additional fee.

Optional Task 7: Traffic Advisory Committee and City Council Meetings

As an optional task, HMM staff could attend one Traffic Advisory Committee meeting and one City Council meeting, in order to aid in the presentation of the proposed improvement plan for city approval. Additional meetings could be attended for an additional fee. This task will only be performed with prior authorization.

Optional Task 8: Design of Improvement Plan

As an optional task, formal design could be developed of the recommended improvements to the San Pablo and Hilby corridors and surrounding neighborhoods. Typical designs for each improvement type would be included, along with designs of certain unique individual improvements. A more detailed improvement plan would also be developed, dimensioning out the exact locations where the improvements would be implemented. This task will only be performed with prior authorization. A budget for this task will be provided upon request.

Optional Task 9: Preliminary Construction Cost Estimates for Improvement Plan Implementation

As an optional task, preliminary construction cost estimates could be derived for the implementation of the improvement plan and its components. Preliminary construction costs would be developed for each individual improvement type, as well as for the entire improvement plan. This task will only be performed with prior authorization. A budget for this task will be provided upon request.

Not Included

Not included in the above scope of work are additional analysis beyond what are specifically outlined above, level of service analysis, analysis of more than one site plan option, evaluation of separate project phases, evaluation of project alternatives, additional analysis required by any governmental agency, any on- or off-street parking analysis, attendance at more than one project-related meeting (including conference calls, project meetings, public workshops, public hearings, Planning Commission meetings, or City Council meetings), meetings with representatives from public agencies other than the City of Seaside, design of any roadway feature or traffic control device, cost estimates for recommended mitigation measures or design alternatives, cost allocation formulas for recommended mitigation measures, calculation of project traffic impact fees, more than five copies of any memorandum/letter/report, or any other task not specifically described in the scope of work. Any additional work required to that described under the Scope of Services above will be considered extra work. Receipt of written authorization for any additional work beyond our Scope of Services will be required prior to performing any additional work beyond what is specifically described in this proposal.

B. BUDGET

The fixed-fee budget of this study is \$25,000 for the Basic Scope, or \$26,530 for the Basic Scope plus the Optional Task 7. The budget for optional tasks 8 and 9 will be prepared upon request when the scope of the improvement program is known. We are prepared to start work on this project upon receipt of authorization to proceed. When authorizing, please indicate the optional tasks, if any, that you are also authorizing.

C. TERMS OF AGREEMENT

This proposal is valid for 60 days. The attached Fee Schedule and corresponding project fee may also be adjusted if extensive delays outside of the Consultant's control are incurred in the commencement or during the execution of the project. Invoices will be deemed accurate and accepted by the client unless questions are submitted in writing to Hatch Mott MacDonald within 14 days of the date of the invoice.

All collection costs, including attorney's fees, will be the responsibility of the client. Work beyond the above scope will be billed on a time and expenses basis in accordance with the attached Fee Schedule and a 1½% monthly service charge on past due accounts. Terms of this agreement are subject to the provisions included within the attached "Consulting General Terms

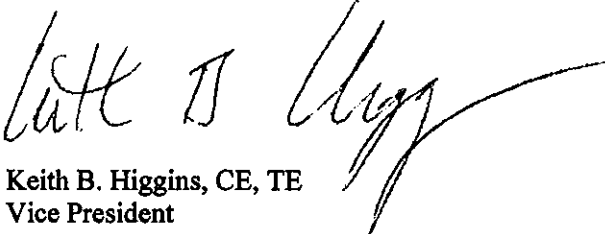
Hatch Mott MacDonald

and Conditions" (Attachment A). Work on these tasks will begin upon receipt of the signed "Authorization-to-Proceed" form (Attachment B). All proposed work tasks will be completed with due diligence, in a timely manner.

If you have any questions regarding the contents of this proposal or need additional information, please do not hesitate to contact Jeff Waller. Thank you for the opportunity to assist you with this project.

Very truly yours,

Hatch Mott MacDonald

A handwritten signature in black ink, appearing to read "Keith B. Higgins", with a long, sweeping horizontal line extending to the right.

Keith B. Higgins, CE, TE
Vice President
T 408.848.3122 F 408.848.2202
keith.higgins@hatchmott.com

kbh:jmw

Enclosures

Submitted by
Hatch Mott MacDonald
September 3, 2010

Notes:

1. This fee estimate is based on hourly rates effective until December 2010.
2. The fee will need to be revised if additional research, data collection or analysis is necessary.

ATTACHMENT A

Consulting General Terms and Conditions

The professional services performed by Consultant will be on a basis which is consistent with that reasonable standard of care and skill ordinarily used by members of the consultant's profession practicing under similar conditions. Both Consultant and Client agree to act reasonably, professionally and in good faith in all respects in connection with these terms and conditions and any resulting Agreement.

It is anticipated that results will meet objectives sought and accordingly all services will be assigned to professional personnel having the required skills, experience and competence. It is noted however that Consultant does not warrant nor guarantee any specific outcomes or results. All resulting reports, memoranda, commentary, opinions, recommendations or any other Consultant work product ("Deliverables") prepared by Consultant will be consistent with Consultant's standard of care and based upon information made available to Consultant by Client which Consultant is permitted to reasonably rely upon as accurate without independent verification. Consultant's ability to execute the services required is dependent upon experience in providing similar services to others and Consultant expects to continue such services in the future. Consultant will, however, preserve the confidentiality of any proprietary information received from Client or developed under this agreement.

Neither party will use the name of the other for advertising or promotional purposes without prior permission in writing. Deliverables resulting from this assignment are not to be reviewed or used in whole or in part outside of Client's organization without Consultant's written consent, provided, should Consultant provide its consent, then as an express condition thereto any such third party reviewing or using such Deliverables shall be required to (i) waive, release indemnify, defend and hold Consultant harmless from any losses, claims, costs, liabilities, expenses or damages of any kind it may have arising in whole or in part from any such Deliverables or its review or use thereof and (ii) hold in strictest confidence any such Deliverables or other such information received from Client resulting in whole or in part from the services provided by Consultant hereunder. In that regard, Client shall further, as a condition to any such release, secure from any such third party an executed report release agreement between Consultant and any such third party, in a form satisfactory to Consultant which will include the concepts set forth in the prior sentence. For greater certainty and without limitation, Deliverables resulting from this assignment are not to be referred to or quoted in whole or in part, in any registration statement, prospectus, fairness opinion public filing, loan agreement or any other document without the prior written consent of and subject to the subsequent review of such documents at the option of Consultant.

If Consultant is impacted in whole or in part by any event of force majeure including without limitation any act of God, war, riot, terrorism, epidemic, disease, or other health risk, severe labor dispute or shortage, change in law or market conditions, weather, flood, strike, civil commotion, riot or unrest, fire, or any other event or cause beyond the reasonable control of Consultant, then Consultant shall be relieved of its obligations hereunder to the extent of such impact and shall be entitled to an equitable adjustment of the Agreement. Notwithstanding and superseding anything in these terms and conditions and any resulting agreement to the contrary, Consultant's maximum aggregate liability for any and all losses, claims, costs, liabilities, expenses or damages ("Losses") arising in whole or in part out of these terms and conditions, any related agreement, or Consultant's services or Client's use of the results of Consultant's services (including any Deliverables being released to any third party) will be limited to ten (10%) percent of the amount actually paid to Consultant by Client for the professional services rendered under these terms and conditions and any related agreement (the "Limited Amount"). Client will indemnify, defend and hold Consultant harmless from and against any and all Losses of whatever nature, alleged, arising or resulting, from claims against Consultant by third parties, or where such claims arise in whole or in part out of Consultant's services, Client's use of the results of Consultant's services, or any Deliverables, or claims or Losses Client may have which are in excess of Consultant's Limited Amount, provided this indemnification shall not apply should a final judicial decision result in a finding of fraud or willful misconduct against Consultant. Consultant further shall have no liability for indirect, consequential, incidental special, delay, economic loss, loss of use, lost profits, business interruption or punitive or liquidated damages or losses of any kind.

Invoices shall be submitted monthly by Consultant to the Client. Payment shall be made by the Client within thirty (30) days of its receipt of the invoice. The Client shall promptly review Consultant's invoices and if the Client disputes any amounts invoiced the Client shall give prompt written notice thereof, including the item or items disputed and the basis for the dispute. The Client shall in any event pay all amounts invoiced that the Client does not dispute as provided herein. Invoiced amounts not paid within thirty (30) days of their issuance shall bear interest at the maximum amount permissible by law.

The compensation for Consultant's services has been agreed to in anticipation of the orderly and continuous progress of the Project through completion. If there are material modifications or changes in the extent of the Project or in the time required for Consultant's services, its compensation and time of performance shall be equitably adjusted.

Either party may terminate this agreement upon reasonable notice. In such event Consultant shall be reimbursed for professional services rendered and all expenses incurred to the date of or as a result of the termination. These terms and conditions and any agreement related thereto shall be governed by the laws of the jurisdiction in which Consultant's head contracting office is located ("Jurisdiction"). Any disputes between the parties will be resolved by binding arbitration in accordance with those rules promulgated by the American Arbitration Association. The arbitration shall take place in the capital city of the Jurisdiction and will be conducted in the English language.



**Hatch Mott
MacDonald**

Delivering Solutions

**ATTACHMENT B
LETTER OF AGREEMENT ACCEPTANCE/
AUTHORIZATION TO PROCEED**

Note: If the scope of work, fee, terms of payment, and conditions described in the Hatch Mott MacDonald proposal are acceptable, please sign and return a copy of this form for our files. Thank you.

Project Name: General Jim Moore Neighborhood Access Study Proposal No. 10-GM

Submitted By: [Signature] Dated: September 3, 2010
(Signature)

Accepted By: _____ Dated: _____
(Signature)

(Print) Phone No. _____

on behalf of _____
(Client)

Street or Mailing Address

City, State, Zip

Contracted Fee Confirmation \$25,000 for basic scope; \$26,530 with optional Task 7

Initial Payment Amount \$0
(Credited against the final invoice)

Purchase Order No. _____

If billing should be sent to a different person or location, please complete below:

Attention: _____

Address: _____



**Hatch Mott
MacDonald**

FEE SCHEDULE

Effective through December 2010

PERSONNEL

Classification	Rate/Hour
Vice President	\$257
Principal Engineer	\$206
Senior Project Engineer	\$195
Senior Consultant	\$188
Senior Planner / Senior Traffic Modeler	\$178
Project Engineer	\$165
Associate Planner	\$141
Engineer III	\$138
Specialist IV – Assistant Planner	\$119
Specialist III – Senior CAD Technician	\$119
CAD Technician, Designer	\$110
Engineer II – Assistant CAD Technician	\$81
Administrative Assistant III	\$81
Specialist II – Traffic Count Supervisor, Field Technician	\$68
Technician I – Traffic Counter	\$52
Minimum Consultation Fee	\$550
Expert Witness (Rates Available on Request)	

SUB-CONSULTANTS

Professional Service by Others	Cost + 10%
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EXPENSES

Materials, External Copying & Printing, Phone, Fax	Cost + 15%
Internal Copying - Letter Size (per single-sided page + labor)	\$0.10
Internal Copying - Ledger Size (per single-sided page + labor)	\$0.21
Large Sheet Prints - Bond or Blueline (per D size sheet + labor)	\$2.08
Large Sheet Plots - Vellum (per D size sheet + labor)	\$4.16
Large Sheet Plots - Mylar (per D size sheet + labor)	\$6.24
Delivery/Courier Service	Cost + 15%
Auto Expenses (per mile)	\$0.55
Travel Expenses	Cost + 10%

FORT ORD REUSE AUTHORITY BOARD REPORT

CONSENT AGENDA

Subject: 2011 Calendar of FORA Board meeting dates

Meeting Date: November 12, 2010

Agenda Number: 5c

ACTION

RECOMMENDATION:

Approve the Fort Ord Reuse Authority ("FORA") board meeting dates for 2011 as attached.

BACKGROUND/ DISCUSSION:

In October or November of each year, the FORA Executive Committee reviews the dates of the FORA board meetings for the coming year. Although the FORA Master Resolution states that board meetings shall be held on the second Friday of each month, national holidays, conferences and other events present conflicts that make it advisable to adjust the meeting dates so that a quorum at board meetings can be assured. The Executive Committee reviewed the draft 2011 Board meeting dates at their November 3rd meeting and found no need for exceptions to the second Friday rule. Please see the attached draft of the recommended 2011 meeting dates. When the Board approves these dates, they will be widely distributed and also posted on the FORA website (www.fora.org).

Once the board meeting dates have been set, the suggested Administrative, Executive, Legislative, and Finance Committee meeting dates are presented to the respective committee members for approval. Following approval, these calendars are then widely distributed via fax or email and also uploaded on the FORA website for future reference. Any changes to any of the meeting dates will be publicly noticed and members will be notified in advance.

FISCAL IMPACT:

Reviewed by FORA Controller 

Staff time for this item is included in the approved FY 10-11 budget.

COORDINATION:

Executive Committee

Prepared by 

Daylene Alliman

Approved by 

Michael A. Houlemard, Jr.



Fort Ord Reuse Authority

100 12th Street, Building 2880, Marina, CA 93933
Phone: (831) 883-3672 • Fax: (831) 883-3675 • www.fora.org

YEAR 2011 FORA BOARD MEETING DATES

(Approved by the FORA Board on _____)

JANUARY 14

JULY 8

FEBRUARY 11

AUGUST 12

MARCH 11

SEPTEMBER 9

APRIL 8

OCTOBER 14

MAY 13

NOVEMBER 18

JUNE 10

DECEMBER 9

Board meetings are usually held on the 2nd Friday of each month and begin at 3:30 pm, unless otherwise noticed/announced. These meetings are held in the Carpenters Union Hall on the former Fort Ord, 910 Second Avenue, Marina, CA 93933). **Meeting dates and times are subject to change.** Please call the FORA office for up-to-date information or check the FORA website (www.fora.org) or the posted or published public notices for any changes.

FORT ORD REUSE AUTHORITY BOARD REPORT

OLD BUSINESS

Subject:	General Jim Moore Boulevard Phase V and Eucalyptus Road Phase II completion	
Meeting Date:	November 12, 2010	INFORMATION/ACTION
Agenda Number:	6a	

RECOMMENDATION:

- Receive an update on the General Jim Moore Boulevard ("GJMB") Phase V and Eucalyptus Road Phase II (collectively, the "Project") scope modification in process at the Economic Development Administration ("EDA"); and
- Approve adding the construction of 803 feet of remaining unimproved GJMB to the Project construction bidding documents *as funding allows and only in order to utilize remaining grant funds*.

BACKGROUND:

When bids received for the Project were lower than the Engineer's Opinion of Probable Cost, the Fort Ord Reuse Authority ("FORA") Board approved restoring construction elements removed from the original Project documents for cost control (see March 2010 staff report and approved meeting minutes, **Attachment A**). The Board additionally approved a priority list of deductive alternatives in case additional funding, beyond what was needed for project completion, became available. FORA staff requested and received approval from EDA to restore those FORA Board approved project components.

However, during their review of the deductive alternatives, EDA staff responded that eligible work must have been included in the footprint of the original grant application and within the final awarded grant scope of work. Therefore, the only viable option for grant funding is the remaining portion of GJMB, previously identified (in Exhibit A to the March 2010 staff report) as priority #7, GJMB Phase VI.

DISCUSSION:

The EDA regional office suspects that there may be even more erosion in the bidding climate and that FORA should be prepared with additional project elements that could take into account the potential for bids lower than current estimates. Therefore, FORA staff recommends the Board approve including, as an additive alternative to the Project construction documents (*only as funding allows / to utilize remaining grant funds*) the construction of 803 feet of remaining unimproved GJMB. Grant guidelines specify that:

1. The work must have been included within the approved scope or can be added by a minor scope modification.
2. The engineering design work must not have been funded by the grant.
3. The environmental impacts of the work and the mitigation of impacts must be within the environmental documents previously filed and reviewed for the award of the existing grant, i.e. no additional EDA environmental review necessary.

The engineering design of the remaining 803 foot unimproved segment of GJMB was developed for the current Project and included in the 2005 Environmental Assessment/Initial Study. Therefore, the inclusion of this project element as an additive alternative in the

follow-on construction documents could be incorporated via minor scope modification. The construction of this project element is entirely dependent on the amount of remaining grant funds, if any, following completion of the above-described follow-on contract.

The completion of the 803 foot unimproved segment of GJMB connects FORA's 2001 construction project which 1) removed the Highway 218 gate, 2) signalized the Highway 218/GJMB intersection and 3) widened GJMB a distance of 697 feet, and FORA's 2010 construction project (which realigned and widened GJMB a distance of 10,600 feet to the intersection of Coe Avenue/Eucalyptus Road).

That 803 foot unimproved segment of GJMB, including the South Boundary Road intersection, was inhibited by the presence of a state listed plant species (Seaside Birdsbeak). Under FORA's existing Master Agreement for Professional Services with Creegan + D'Angelo, efforts to secure a 2081 permit for the take of these plants and to secure an acceptable mitigation site are in process.

FISCAL IMPACT:

Reviewed by FORA Controller 

The anticipated cost is between \$600,000 and \$800,000. This item may be presented to the Board during the request for a contract award as an additive alternative in the construction documents if there are funds remaining in the EDA grant to fund the construction of the 803 foot segment of unimproved GJMB.


COORDINATION:

Administrative Committee, Executive Committee, EDA, Cities of Del Rey Oaks and Seaside

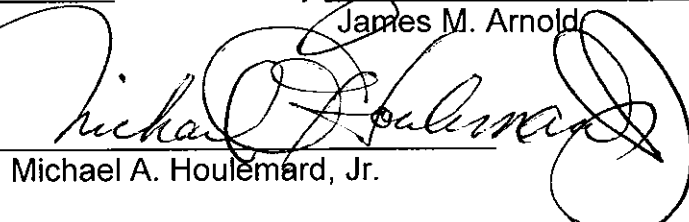
Prepared by


Crissy Maras

Reviewed by


James M. Arnold

Approved by


Michael A. Houlemard, Jr.

FORT ORD REUSE AUTHORITY BOARD**OLD BUSINESS**

Attachment A
To Item 6a
FORA Board Meeting, November 12, 2010

Subject:	American Recovery and Reinvestment Act ("ARRA") grant award update and modification recommendations	
Meeting Date:	March 12, 2010	ACTION
Agenda Number:	6b	

RECOMMENDATION:

- Receive an update from staff on ARRA grant award modifications, and
- Direct staff to pursue the recommended modifications via construction contract award.


BACKGROUND/DISCUSSION:

As reported in January and February 2010, bids received for the General Jim Moore Boulevard Phase V and Eucalyptus Road Phase II project were lower than the engineer's opinion of probable cost, presenting an opportunity to restore project elements previously removed (to bring the project budget within the engineer's prior estimate) and modify the grant scope with additional eligible construction-ready work.

Fort Ord Reuse Authority ("FORA") staff presented a list of items that could be restored to the project for FORA Board approval at their February 2010 meeting. The Board approved the items that could be incorporated into the current construction contract via change order or scope modification. There were other items listed that required additional discussion by the FORA Administrative and Capital Improvement Program ("CIP") Committees and review with US Economic Development Administration ("EDA") officials about eligibility for the ARRA program. The CIP and Administrative committees jointly reviewed these items at their meeting of February 17, 2010 and recommended a task force of select members convene to further define a recommendation to the Board. Staff has also reviewed eligibility issues with EDA staff. A meeting has been established with the task force and the regional EDA representative for March 8th. The staff recommendation under consideration by that group is attached to this report as **Exhibit A**. Their recommendation will be shared during the March 12th Board meeting and the Board will be asked to approve their recommendation at that time.

Additionally, the Board directed staff to pursue a local match reduction with the EDA. After discussing this approach with EDA representatives, seeking such a reduction is not advisable at this time. Therefore, staff has not submitted a formal request for a match reduction. If any further information is available at the FORA Board meeting it will be shared at that time.

FISCAL IMPACT:

Reviewed by Controller: 

FORA's local match remains at 50% or \$6,426,754.

COORDINATION:

Executive Committee, Administrative Committee, CIP Committee

Prepared by 

Crissy Maras

Approved by 

Michael A. Houlemard, Jr.

Economic Development Administration (EDA) Grant Award #07-79-73004

3/12/2010

Summary of American Recovery and Reinvestment Act (ARRA) grant or Fort Ord Reuse Authority (FORA) matching funds potentially available to Capital Improvement Program (CIP) projects due to General Jim Moore Boulevard (GJMB) Phase V/Eucalyptus Road (EUC) Phase II bidding results.

Funds available for project adjustments		\$ 6,187,811
Contract Change Order Items - Approved by FORA Board 02/11/10		
ITEM	Anticipated Cost	Deductive total
1. Relocation of PG&E power pole (GJMB/EUC)	\$ 100,000	\$ 6,187,811
2. Road connections at Hilby and San Pablo	\$ 213,000	\$ (484,226)
3. Installation of sidewalks on north and south sides of current EUC construction	\$ 171,226	
SUBTOTAL	\$ 484,226	\$ 5,703,585
Scope modifications to existing contract or future award - Approved by FORA Board 02/11/10		
4. Installation of a bank of 6 4" PVC conduits	\$ 275,000	\$ 5,703,585
5. Signalization of Coe Avenue and Broadway Avenue intersections with GJMB	\$ 800,000	\$ (1,075,000)
SUBTOTAL	\$ 1,075,000	\$ 4,628,585
CIP/ARRA Task Force Recommendations to the FORA Board		
Follow-on construction contract		
1. Extend EUC to Parker Flats Road	\$ 1,100,000	\$ 4,628,585
2. 600 LF of 6' wall enhancement south of Coe Avenue*	\$ 66,000	\$ (2,466,000)
3. Installation of street lights on GJMB	\$ 1,000,000	
4. Installation of street lights on EUC	\$ 300,000	
SUBTOTAL	\$ 2,466,000	\$ 2,162,585
Deductive alternates		
5. South Boundary Road**		
6. 8th Street Project**	\$2,162,585***	\$ (2,162,585)
7. GJMB Phase VI**		
	\$2,162,585***	\$ (2,162,585)

* The amount of the wall enhancement could be as much as \$215K depending on additional design, engineering and installation costs. \$66K is shown as a placeholder because it represents a tangible amount for a pre-fabricated wall.

** The projects shown here will be used as deductive alternates as a part of a grant modification package to the EDA in order to fully expend any remaining grant funds.

*** The amount shown here may be reduced to accommodate additional costs of the wall enhancement noted above and/or to match actual remaining funds after construction costs and contracts have been finalized.

Exhibit A
to Old Business item 6b
03/12/10 FORA Board Meeting

MINUTES
of the
FORT ORD REUSE AUTHORITY
BOARD OF DIRECTORS' MEETING
Fort Ord Reuse Authority Conference Facility/Bridge Center
March 12, 2010

APPROVED

1. CALL TO ORDER AND ROLL CALL

Chair Ralph Rubio called the March 12, 2010 Board of Directors meeting to order at 3:30 p.m. and requested a roll call.

Voting members present:

Chair/Mayor Rubio (City of Seaside)
2nd Vice Chair/Councilmember McCall
Supervisor Parker (County of Monterey)
Mayor Edelen (City of Del Rey Oaks)
Councilmember Kampe (City of Pacific Grove)
Councilmember Gray (City of Marina)
Councilmember Mancini (City of Seaside)

Mayor Pendergrass (City of Sand City)
1st Vice Chair/Supervisor Potter (County of Monterey)
Mayor McCloud (City of Carmel-by-the-Sea)
Jim Cook (County of Monterey)
Councilmember Selfridge (City of Monterey)

Absent was Councilmember Barnes (City of Salinas). Alternate Jim Cook represented Supervisor Calcagno.

Ex-Officio members present:

Noelle White (27th Assembly District)
James Main (CSUMB)
Vicki Nakamura (Monterey Peninsula College)
Rob Robinson (BRAC)

George Blumenthal (UCSC)
Debbie Hale (TAMC)
COL Darcy Brewer (U.S. Army)
Ken Nishi (Marina Coast Water District)

Absent were representatives from Monterey Peninsula Unified School District and the 15th State Senate District. Alec Arago (17th Congressional District) and Hunter Harvath (Monterey-Salinas Transit) arrived after the roll call had been completed.

With a quorum present Chair Rubio opened the meeting.

2. PLEDGE OF ALLEGIANCE

Chair Rubio led the Pledge of Allegiance.

3. ACKNOWLEDGEMENTS AND ANNOUNCEMENTS

Chair Rubio welcomed Ms. White, who represented the 27th State Assembly District. He followed with a brief report on yesterday's Central Coast Veterans' Cemetery site marker event. Chair Rubio announced the groundbreaking celebration of the Monterey Peninsula College Education Center at Marina on April 15th at 2:00 and Vicki Nakamura distributed invitation cards to all. She said President Garrison would make a presentation about the project at next month's board

meeting. Executive Officer Houlemard reminded the board members that their Forms 700 are due April 1st.

4. PUBLIC COMMENT PERIOD

An unidentified man expressed concerns about the lack of jobs in this area and the few jobs available are going to those who will take lower wages. He urged the FORA jurisdictions to enforce apprenticeships and finding mechanisms to hire locals and those with apprenticeship experience. Ron Chesshire from the Monterey/Santa Cruz Building Construction Trades Council stated that for the last three years the Council has been engaged in a lawsuit regarding payment of prevailing wages on former Fort Ord on behalf of FORA, which has been noticeably absent in supporting their efforts. He said current developers have been asking that the prevailing wage requirement be eliminated. He remarked that workers are protected by specific sections in FORA's Master Resolution, the transfer deeds and the implementation agreements and asked if FORA could provide any help. He asserted that the Council would persist in pursuing this issue.

5. CONSENT AGENDA

Item 5a (February 11, 2010 board meeting minutes): Supervisor Parker said she had some non-substantive changes to "construction noise/ vibrations issues," Item 6bii under the General Jim Moore Boulevard road improvement project item and requested that her changes reflected clarifications to the text. There were no objections. **Motion to approve February 11, 2010 board meeting minutes, including Supervisor Parker's changes, was made by Supervisor Parker, seconded by Councilmember Mancini, and carried.**

6. OLD BUSINESS

Item 6a – University of California Monterey Bay Education, Science and Technology Center (UC MBEST) – status report/update: Executive Officer Houlemard provided some background information about the UC MBEST Center, noting that it has been a central component of reuse in supporting the regional emphasis on education. He called attention to Congressman Farr's letter dated 3/11/10 to Chair Rubio in which Mr. Farr expressed concerns about the university's apparent intention "to sell off the MBEST parcel to the highest bidder."

Mr. Houlemard introduced UCSC Chancellor George Blumenthal, who spoke about the university's re-examination of their reuse of their parcels on former Fort Ord. He said that the university's priorities during its long-standing, sixteen-year working relationship with FORA had remained consistent with the promotion of its educational mission. He stated that the Fort Ord Natural Reserve must be maintained and the MBEST Center would continue to focus on economic development. A year ago, the university had selected a developer to move forward with these points in mind, however, current market conditions for developing research and development centers are no longer favorable. He reported that the campus leadership committee had advised continuing the MBEST Center as before but re-examining the other properties for other possible uses. Under discussion are selling the 8th Street parcel to acquire funds to build up the Center; continuing discussions with Monterey Institute of International Studies and Monterey County regarding the east campus parcel; pursuing other options for the west campus parcel and the central south campus with Marina.

He addressed Congressman Farr's misunderstandings in the latter's letter: (1) It is not the intention to "abandon the UC parcels" but to continue to focus academic research efforts on the

central north campus; (2) regarding "selling off to the highest bidder": He replied yes, but the university will stay true to FORA's guiding principles; (3) regarding the transfer of the Habitat Conservation Plan ("HCP") responsibilities: He said the university plans to keep its commitment of the 600 acres of the HCP; (4) regarding obtaining cash from California land values: He responded that this is not realistic because of deed restrictions. Improvements to the land will benefit the future, and there is no justification to give the land away; (5) regarding the university's efforts to obtain \$8 million in earmarks: He replied that the university was a member of the University Association Consortium, which is seeking funding for infrastructure; and (6) Chancellor Blumenthal said his 2006 letter to then Assemblymember John Laird stated the university had no plans to sell its Fort Ord lands, but changes since then have occurred. Holding the land now would limit job creation, which is one of MBEST's goals.

Mayor McCloud asked what the next steps or timeline were, and Chancellor Blumenthal replied, "continuing current discussions with the agencies." Councilmember McCall said the City of Marina would like to cooperate with the university and assist in the process underway. Supervisor Potter said he appreciated the clarity of Chancellor Blumenthal's presentation and asked that the university sit down with the county's redevelopment agency, adding that the county has partners that might be interested in the new direction. Supervisor Parker also encouraged working with redevelopment agencies in the area, because the university's parcels are very important for job generation. Alec Arago noted a "budding frustration" with the steps that could have been taken during the previous 16 years, but were not, but agreed the decline of the dot com boom had been a major deterrent. Chair Rubio remarked that 16 years is a long time to wait to move forward with development and asked if the university was committed to full participation in the HCP (yes). He added that a land give-away is not anticipated but suggested that a transfer model could be negotiated with the local jurisdictions. Mayor Edelen requested that progress reports about twice a year from UCSC be agendaized for the Board. There were no public comments and Chair Rubio declared that the UC MBEST report had been received by the Board.

Item 6b – American Recovery and Reinvestment Act ("ARRA") grant award update and modification recommendations: Executive Officer Houlemard provided an overview of the ARRA grant award and how it interrelates with FORA's Capital Improvement Program ("CIP"). He called attention to the pie chart, which was a graphic replication of FORA's CIP \$110 million project investment by jurisdiction to date. He clarified that the amount included roads, habitat, storm drainage projects, building removal and purchase of wild land fire equipment. He stated that \$60 million had been obtained from grants and \$50 million provided by FORA's portion of land sales, the Community Facilities District and tax increment.

He reported that FORA has entered into a grant contract for \$12.6 million in road improvements on General Jim Moore Boulevard ("GJMB"). He said the original project included a number of road improvement items, some of which had to be value engineered out (removed) to bring project costs in line with initial estimates. When the bids came in lower than expected, restoring those items became a possibility. He said the object now is to pursue those items that could be restored and also be approved by the Economic Development Administration ("EDA"). He referred to the handout being distributed, which itemized the potential projects in categories along with their anticipated costs. Two categories were identified: Funds available for project adjustments and CIP/ARRA task force recommendations to the FORA Board. He said staff recommends all the items listed, adding that it's not yet clear whether the three projects under deductive alternates would satisfy the ARRA requirements. He emphasized the following: (1) keep the funding local by knowing what Region IX EDA can and will agree to and approve; and (2) all projects must be construction-ready and completed within a specific window of time.

Mayor Edelen asked about the eligibility of a sound wall south of Coe Avenue, and Mr. Houlemard replied "likely." Mr. Edelen said the noise created by four lanes of traffic, particularly in the Del Rey Oaks section, would seem to support building this wall. Mr. Houlemard surmised that this section of the wall might have to be included in the GJMB Phase VI project. He emphasized to the Board that EDA would accept only one package from FORA; a piecemeal approach would not be acceptable, so the goal must be to include projects that will keep the dollars here. Councilmember McCall stated that the 8th Street project (\$2.8 million for start up with a project total of \$5 million) needs to happen, because it will benefit many jurisdictions. **He made a motion to make it the top priority in the task force recommendation list, after the change order items, and to bump the other projects down. Councilmember Mancini seconded this motion.**

Discussion of this project followed. Supervisor Parker was sympathetic to the motion but said all projects are important. When she said the EDA process was not clear to her, Mr. Houlemard explained that FORA must put the package together and submit it to EDA. In order to obtain EDA approval, each project must meet the conditions as specified under the original ARRA grant. He clarified that the 8th Street project may actually be two projects, which he described. To his knowledge, neither of these have had design work or environmental review yet. He also said all ARRA projects must be completed before FORA is eligible to apply for another round of grants, which makes the items included in the current package important. Supervisor Potter recommended the staff recommendation and placing the projects in the package without priorities to reduce the risk of losing dollars. He said it is critical to know the EDA criteria, because job creation is riding on grant funding. **Councilmember Mancini withdrew his second to the previous motion.** Mayor McCloud asked who the members of the task force were, and Mr. Houlemard replied that all jurisdictions are represented. Mayor McCloud supported taking the list back to the task force to come to a consensus. Mr. Houlemard added that board action on the project list is necessary in order to move forward. Chair Rubio recommended that all items removed from the initial project grant should be restored to assure that the grant funds stay local. Jim Cook remarked that delay by the Board increases the chance of losing dollars and supported directing the task force to reach a consensus. Councilmember Gray asked if all projects were approved by EDA, would FORA get to decide which ones to pursue? Mr. Houlemard replied that FORA only submits its list to the Seattle EDA office one time. If any project requires a change of match or scope, the final decision is made by the EDA Washington, DC, office, which is equivalent to their taking the dollars back. He suggested that the package await consensus by the task force at their earliest convenience and a final package be sent to EDA as soon as possible. Councilmember McCall repeated his request to include the 8th Street project. **Councilmember Kampe recommended that staff prepare the list, based on Supervisor Potter's previously mentioned criteria/conditions for comparison purposes. He restated this as a motion, which was seconded by Supervisor Potter.** A friendly amendment was accepted and added that the CIP/ARRA Task Force review the list and reach consensus. Chair Rubio expressed concern that if the 8th Street project remains on the list, something in the GJMB project might fall out. Discussion followed. Mayor McCloud asked for a 5-minute recess, which was not supported. Requests to restate the motion came from Doug Yount and Linda Stiehl, Deputy Clerk. **The final motion was that: (1) the staff recommendation to pursue the recommended modifications via the construction contract award, as listed on the handout distributed at the board meeting, be approved with one change, namely moving the 8th Street project to #5 and the South Boundary Road dropping to #6 in the deductive alternates list; (2) the CIP/ARRA Task Force review this list before sending it to EDA; (3) Supervisor Potter's criteria, based on known EDA criteria, be used as a guideline by the task force; and (4) the final package be submitted to EDA as soon as possible. This motion was approved unanimously.**

Item 6c – Fort Ord Reuse Authority Master Resolution: minor corrections: Executive Officer Houlemard provided a brief overview of the item and recommended adoption of the staff recommendation. Mayor McCloud recommended that the Executive Officer's bonding requirement in Section 2.04.020 be reinstated. **Motion to adopt Resolution #10-06 approving minor corrections to the FORA Master Resolution, and reinstating the requirement that the Executive Officer be bonded, was made by Councilmember Mancini, seconded by Supervisor Potter, and carried.**

Hunter Harvath left the meeting at this time and Mike Gallant, the alternate assumed his seat at the board table. Alec Arago also departed.

7. NEW BUSINESS

Item 7a – AB 1791 (Monning) – tax increment assistance legislative adjustments:

Item 7ai – Approve Resolution #10-05 supporting AB 1791 and

Item 7aia – Request letters and/or resolutions of support from the jurisdictions:

Executive Officer commented that modification of tax increment law was in the approved 2010 Legislative Agenda and urged the jurisdictions to send representatives, preferably their electeds, to the Assembly Local Government Committee hearing on April 7th. **Motion to approve Resolution #10-05 supporting AB 1791 and request letters and/or resolutions of support from the jurisdictions was made by Councilmember Mancini and seconded by Supervisor Parker. There were no public comments, and the motion carried.**

8. EXECUTIVE OFFICER'S REPORT

There were four items in this report: Item 8a (Administrative Committee report), Item 8b (Executive Officer's travel report), Item 8c (Habitat Conservation Plan – status report) and Item 8d – ADMINISTRATIVE CONSISTENCY DETERMINATION FOR ENTITLEMENT: Marina's Community Hospital of the Monterey Peninsula Project. **Re Item 8c:** Executive Officer Houlemard reported considerable progress with all entities engaged, adding that significant differences remain to be resolved among the members regarding the voting and governance issues related to the joint powers authority. **Re Item 8d:** Mr. Houlemard reported that FORA had received no requests for appeals, so a hearing is not necessary. According to Section 8.02.030 of the FORA Master Resolution, he said this consistency determination is deemed approved.

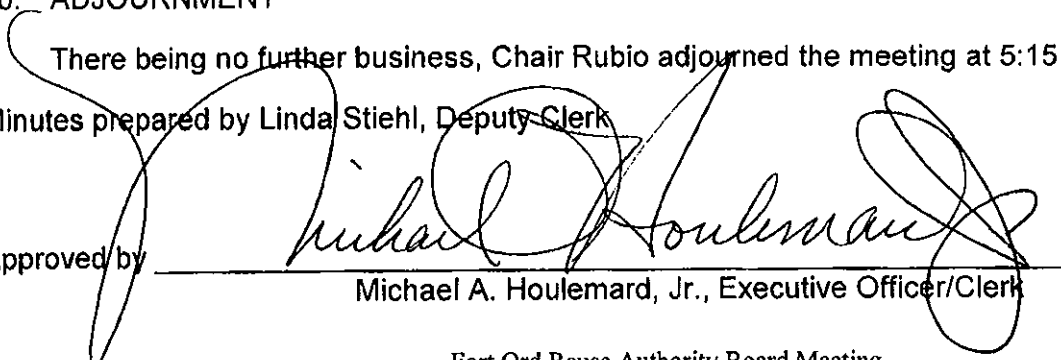
COL Brewer announced that the ribbon cutting celebrating the groundbreaking and grand opening of The Parks was scheduled for 2:00 p.m. on April 9th. The location is 15th Infantry and 4th Streets. Invitations will be sent closer to the date of the event.

10. ADJOURNMENT

There being no further business, Chair Rubio adjourned the meeting at 5:15 p.m.

Minutes prepared by Linda Stiehl, Deputy Clerk

Approved by


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

FORT ORD REUSE AUTHORITY BOARD REPORT

NEW BUSINESS

Subject:	Fiscal year 2011 Legislative Agenda	
Meeting Date:	November 12, 2010	INFORMATION/ACTION
Agenda Number:	7a	

RECOMMENDATION:


Approve the 2011 Fort Ord Reuse Authority ("FORA") Legislative Agenda as attached.

BACKGROUND/DISCUSSION:

Since 2000, the Legislative Committee has solicited legislative, regulatory, policy and/or resource allocation suggestions from the jurisdictions, which will enhance and move forward the reuse and redevelopment of the former Fort Ord. JEA and Associates (FORA's legislative representatives in Sacramento), staff and others are also asked to recommend items and assist in crafting the language. The attached draft of the 2011 Legislative Agenda was discussed and by the Legislative Committee at their September 27th meeting. Approval of the Legislative Agenda is anticipated at their November 8th meeting.

The items on the annual Legislative Agenda serve as the focus of the annual Legislative Mission to Washington, DC, which usually occurs in early spring. Selected FORA board and staff members travel to the nation's capital to meet with key legislative, military, and governmental leaders to discuss FORA's positions and needs. Although it is possible that the Executive Officer may recommend a more limited Federal Legislative Mission in 2011, the approved Legislative Agenda stands as a statement of FORA's legislative, regulatory, policy and/or resource allocation needs.

FISCAL IMPACT:

Reviewed by FORA Controller 

Staff time for this item is included in the approved FY 10-11 budget.

COORDINATION:

Legislative and Executive Committees; JEA & Associates; Assemblymember Bill Monning, Congressman Sam Farr, Senator Sam Blakeslee, and their staffs

Prepared by


Daylene Alliman

Approved by


Michael A. Houlemard, Jr.



Fort Ord Reuse Authority

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MEMORANDUM

Date: November 12, 2010
To: FORA Board of Directors
From: Daylene Alliman, Deputy Clerk
Re: FORA Legislative Agenda 2011

This memo confirms direction from the FORA Legislative Committee, who met on Monday, November 8, 2010 instructing staff to add the following two items on the 2011 Legislative Agenda.

I. Potential Legislation regarding Fort Ord Reuse Authority future obligations.

ISSUE: FORA has responsibilities that survive FORA's legislative sunset date, June 30, 2014. There are a number of options available to ensure these responsibilities continue to be carried out by the appropriate successor agencies without precluding any other alternatives, one approach would be to extend FORA's life for a limited and fixed period of time. As such, since a legislative action requires a long lead time, it would be prudent to include this potential in FORA's legislative program.

- **Benefits:** FORA extension retains institutional memory, expertise, financing powers, etc., and sustains Base Reuse Plan procedures/practice. Extension also maintains existing grant and funding sources, regulatory agency reporting relationships, and the potential to continue current insurance coverage(s).
- **Challenges:** Requires action by state legislature, political issues and perspective of local jurisdictions would need to be consulted/considered.
- **Proposed Position:** Begin process to extend FORA to a date certain.

J. Support regional efforts to secure state legislation that would enable FORA jurisdictions to provide direct financial assistance to former Fort Ord commercial projects.

ISSUE: Current redevelopment law, adopted after the Authority Act, prohibits redevelopment authorities from providing direct financial aid to sales tax generating commercial projects on certain undeveloped parcels. AB 1791 would have adjusted this as approved by both State legislative houses – but was vetoed by the Governor.

- **Benefits:** AB 1791 was widely supported as helps accelerate several Fort Ord properties, providing FORA members the financial means to support infrastructure for commercial projects. Accelerating commercial development creates jobs and helps generates tax increment funds to support affordable housing.
- **Challenges:** Opposition by some to any change in redevelopment law. Perception that this adjustment/provision removes open space.
- **Proposed Position:** Re-introduce AB 1791 legislation to allow use of tax increment from certain former Reuse Plan designated Fort Ord commercial properties to be used to accelerate reuse.

Fort Ord Reuse Authority 2011 Legislative Agenda

DRAFT Work Program (as of 11/3/10)

The 2011 Fort Ord Reuse Authority ("FORA") Legislative Agenda is a program of policy positions on legislative, regulatory, or federal/state resource allocation issues. The goal of this program is to improve redevelopment of the former Fort Ord. The Legislative Agenda provides baseline direction for state and federal agencies regarding former Fort Ord property transfer, economic redevelopment, environmental remediation, habitat management, and infrastructure and mitigation funding. The order of the items herein is not an indication of their priority. All items are considered "priority" issues in achieving FORA's objectives.

A. Continue/enhance coordination with 17th Congressional District, 15th & 12th State Senate Districts, and 27th & 28th State Assembly Districts for HCP approval.

ISSUE: HCP approval remains critical to former Fort Ord redevelopment. Alternatives to a basewide HCP are costly and time consuming and do not effectively serve the goal of managing or protecting endangered species.

- **Benefits:** HCP approval is essential to protecting habitat and effectively developing jobs and housing for the region.
- **Challenges:** Processing the HCP during the past ten years has been frustrating and costly. Insufficient agency resources and overlapping regulatory barriers have thwarted the HCP process at many points.
- **Proposed Position:** Support legislative and regulatory coordination, state and federal resources, and strong advocacy to enable speedy reviews and processing – insisting on continued vigilance and cooperation among the regulatory agencies.

B. Continue and enhance efforts to seek federal National Landscape Conservation System ("NLCS") designation for the former Fort Ord Bureau of Land Management ("BLM") Natural Resource Management Area. The NLCS has four categories of federally designated areas; 1) National Monuments, National Conservation Areas ("NCA") and similar designations; 2) Wilderness; 3) Wild and Scenic Rivers; and 4) National Trails.

ISSUE: Habitat Conservation Plan ("HCP") approval and implementation are essential to former Fort Ord redevelopment. Obtaining NLCS categorical designation for BLM's former Fort Ord property supports HCP implementation and future funding eligibility through national recognition of the property's unique ecological and recreational resources.

- **Benefits:** National attention to the unique flora, fauna and recreational resources found on current and future former Fort Ord BLM property. Supports Fort Ord Habitat Management Plan and HCP preservation. Since availability of public and private grant funding fluctuates, having an appropriate national designation emphasizes the national significance of BLM's former Fort Ord property to potential donors and other funding sources. By advocating NLCS designation that affords national recognition, FORA supports the BLM mission and former Fort Ord recreation and tourism, helping BLM become more competitive for resources.

- **Challenges:** Each year, the local BLM office competes nationally to receive public and private grants and federal appropriations that support its mission. Some designation efforts may add unknown restrictions.
- **Proposed Position:** Continue support – work with Congressman Farr's office to introduce/sponsor legislation for NLCS/NCA designation (or other appropriate national designation) for former Fort Ord BLM property. Assure that designation does not add restrictions that interfere with reuse or HCP implementation.

C. Continue support for the development of the Central Coast Veterans Cemetery on the former Fort Ord and support a federal burial/interment increase.

ISSUE: Burial space for California Central Coast veterans is inadequate. Former Fort Ord is centrally located and has land designated for a new veterans' cemetery. Funding for individual veteran interments is insufficient to cover cemetery operations expenses.

- **Benefits:** This cemetery would provide additional burial space for the region's approximately 50,000 veterans. An interment benefit increase would decrease endowment funding needs to support cemetery operations.
- **Challenges:** Although the Federal government reimburses the entire cemetery construction cost, the State of California must apply for inclusion in the State Veterans Cemetery program before initiating construction. The annual cost of operating and maintaining the cemetery (estimated at \$200,000 +/- per year) must have a guaranteed payer in the form of trust account deposits.
- **Proposed Position:**
 - Support implementation, budget actions and funding options to design, build and operate the Central Coast Veterans Cemetery;
 - Support efforts to sustain priority standing for the Central Coast Veterans Cemetery with the CA Department of Veterans Affairs;
 - Support a U.S. Veterans/Administration burial reimbursement increase.

D. Work with the Monterey County Water Resources Agency ("MCWRA"), the Monterey Regional Water Pollution Control Agency ("MRWPCA"), the Marina Coast Water District ("MCWD") and others to secure State bond funds and Federal funding to augment FORA's water supply capital needs.

ISSUE: The FORA Capital Improvement Program requires \$40-42,000,000 to fund the Water Augmentation Program for the necessary Base Reuse Plan supplemental water needs for complete build-out. Securing funds to assist this requirement, now dependent solely on funding from the FORA Community Facilities District development fees, could help the timely implementation of the recycled water and desalination water facilities.

- **Benefits:** Redevelopment, as permitted under the Base Reuse Plan, can occur as long as financing and installation of the augmenting water facilities proceed. Additional grant funding could reduce acre-feet per year costs of securing water resources for the jurisdictions and reduce the hefty capital charges that may otherwise be required.
- **Challenges:** Competing water projects throughout the Region and State for scarce proceeds. No current federal program exists for this funding.
- **Proposed Position:** Support and coordinate efforts with MCWD, MCWRA, MRWPCA, other agencies and FORA jurisdictions for securing funding and/or to endorse the use of other fund mechanisms proposed for this purpose.

E. Work with the Transportation Agency for Monterey County (“TAMC”) to secure transportation funds.

ISSUE: The FORA Capital Improvement Program requires mitigations of more than \$125,000,000 for transportation infrastructure on and proximate to the former Fort Ord. Some of this funding requires a local, or other, match from the appropriate regional or state transportation body to bring individual projects to completion.

- **Benefits:** The timely installation of required on-site, off-site and regional roadway improvements supports accommodating development impacts and maintaining and improving levels of service vital to the regional economy.
- **Challenges:** Applying scarce transportation funds to the appropriate projects to optimize transportation system network enhancements.
- **Proposed Position:** Support and coordinate with TAMC for state infrastructure bonds, federal authorization or other grant/loan resources.

F. Work with the State Assembly Districts and the State Legislature in support of California State University’s (“CSU’s”) requests for campus impact mitigation funds for the CSU Monterey Bay (“CSUMB”) campus. Coordinate with CSUMB on requests for building removal and contaminant waste abatement on the former Fort Ord.

ISSUE: a) In July 2006, the State of California Supreme Court ruled that CSU must mitigate off-campus impacts from CSUMB campus development/growth. In order to fund its obligations, CSU requests funds from the State Legislature.

b) Contaminated building removal is a significant expense to CSUMB (\$26 million) and other former Fort Ord land use entities (\$43 million). A coordinated effort is more likely to achieve funding success.

- **Benefits:** Supporting state budget approval of off-campus mitigation impact funding requests helps address CSU’s fair share contribution. Similarly, a coordinated effort to secure building removal resources will help all levels of the regional reuse program.
- **Challenges:** Competition for state funds will be keen. CSUMB is only one of the 23-campus system – all seeking capital and other funds.
- **Proposed Position:** Support state budget off-campus impact and building removal earmarks requested by CSU for the CSUMB campus.

G. Work with the County of Monterey to assist Monterey Peninsula College (“MPC”) to obtain capital and program funding for its former Fort Ord Public Safety Officer Training Programs.

ISSUE: FORA/County agreed to assist MPC in securing program funds in 2003.

- **Benefits:** The Public Safety Officer Training Program is an important component of MPC’s Fort Ord reuse efforts, and will enhance public safety training at the regional and state levels. Adequate funding is critical.
- **Challenges:** Funds available through the Office of Homeland Security, the Office of Emergency Services, or other sources may be restricted.

- **Proposed Position:** Pursue legislative or other actions to support MPC efforts to secure funding sources.

H. Coordinate efforts with other Monterey Bay agency legislative issues.

ISSUE: Monterey-Salinas Transit, Transportation Agency for Monterey County and the County of Monterey have adopted legislative programs, some will have Fort Ord reuse impacts.

- **Benefits:** Collaborative efforts for funding by agencies involved in the same or interdependent projects will increase the chances to obtain critical funding and also be enhanced by partnering matching funds.
- **Challenges:** State and federal funding is limited during and competition for available funds will be keen.
- **Proposed Position:** Coordinate and support other legislative programs in the Monterey Bay area when they interface with former Fort Ord reuse programs.

I. Potential Legislative adjustments regarding future obligations of the Fort Ord Reuse Authority.

ISSUE: *FORA has responsibilities that survive FORA's legislative sunset date, June 30, 2014. There are a number of options available to ensure these responsibilities continue to be carried out by the appropriate successor agencies without precluding any other alternatives, one approach would be to extend FORA's life for a limited and fixed period of time. As such, since a legislative action requires a long lead time, it would be prudent to include this potential in FORA's legislative program.*

- **Benefits:** *Extension of FORA retains institutional memory, expertise, cachet, etc. Additionally, an extension sustains procedures/practices anticipated through Base Reuse Plan completion. Extension of FORA extends existing grant and other funding sources, as well as insurance coverage(s). FORA has a positive ongoing relationship with regulatory agencies.*
- **Challenges:** *Requires action by state legislature and political issues and perspective of local jurisdictions would need to be consulted/considered.*
- **Proposed Position:** *Begin process to extend FORA with existing authority to a date certain.*

Fort Ord Reuse Authority 2011 Legislative Agenda

DRAFT Work Program (as of 11/8/10)

DRAFT

The 2011 Fort Ord Reuse Authority ("FORA") Legislative Agenda is a program of policy positions on legislative, regulatory, or federal/state resource allocation issues. The goal of this program is to improve redevelopment of the former Fort Ord. The Legislative Agenda provides baseline direction for state and federal agencies regarding former Fort Ord property transfer, economic redevelopment, environmental remediation, habitat management, and infrastructure and mitigation funding. The order of the items herein is not an indication of their priority. All items are considered "priority" issues in achieving FORA's objectives.

A. Continue/enhance coordination with 17th Congressional District, 15th & 12th State Senate Districts, and 27th & 28th State Assembly Districts for HCP approval.

ISSUE: HCP approval remains critical to former Fort Ord redevelopment. Alternatives to a basewide HCP are costly and time consuming and do not effectively serve the goal of managing or protecting endangered species.

- **Benefits:** HCP approval is essential to protecting habitat and effectively developing jobs and housing for the region.
- **Challenges:** Processing the HCP during the past ten years has been frustrating and costly. Insufficient agency resources and overlapping regulatory barriers have thwarted the HCP process at many points.
- **Proposed Position:** Support legislative and regulatory coordination, state and federal resources, and strong advocacy to enable speedy reviews and processing – insisting on continued vigilance and cooperation among the regulatory agencies.

B. Continue and enhance efforts to seek federal National Landscape Conservation System ("NLCS") designation for the former Fort Ord Bureau of Land Management ("BLM") Natural Resource Management Area. The NLCS has four categories of federally designated areas; 1) National Monuments, National Conservation Areas ("NCA") and similar designations; 2) Wilderness; 3) Wild and Scenic Rivers; and 4) National Trails.

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- **Benefits:** National attention to the unique flora, fauna and recreational resources found on current and future former Fort Ord BLM property. Supports Fort Ord Habitat Management Plan and HCP preservation. Since availability of public and private grant funding fluctuates, having an appropriate national designation emphasizes the national significance of BLM's former Fort Ord property to potential donors and other funding sources. By advocating NLCS designation that affords national recognition, FORA supports the BLM mission and former Fort Ord recreation and tourism, helping BLM become more competitive for resources.

- **Challenges:** Each year, the local BLM office competes nationally to receive public and private grants and federal appropriations that support its mission. Some designation efforts may add unknown restrictions.
- **Proposed Position:** Continue support – work with Congressman Farr's office to introduce/sponsor legislation for NLCS/NCA designation (or other appropriate national designation) for former Fort Ord BLM property. Assure that designation does not add restrictions that interfere with reuse or HCP implementation.

C. Continue support for the development of the Central Coast Veterans Cemetery on the former Fort Ord and support a federal burial/internment increase.

ISSUE: Burial space for California Central Coast veterans is inadequate. Former Fort Ord is centrally located and has land designated for a new veterans' cemetery. Funding for individual veteran interments is insufficient to cover cemetery operations expenses.

- **Benefits:** This cemetery would provide additional burial space for the region's approximately 50,000 veterans. An interment benefit increase would decrease endowment funding needs to support cemetery operations.
- **Challenges:** Although the Federal government reimburses the entire cemetery construction cost, the State of California must apply for inclusion in the State Veterans Cemetery program before initiating construction. The annual cost of operating and maintaining the cemetery (estimated at \$200,000 +/- per year) must have a guaranteed payer in the form of trust account deposits.
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- **Challenges:** Competing water projects throughout the Region and State for scarce proceeds. No current federal program exists for this funding.
- **Proposed Position:** Support and coordinate efforts with MCWD, MCWRA, MRWPCA, other agencies and FORA jurisdictions for securing funding and/or to endorse the use of other fund mechanisms proposed for this purpose.

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- **Benefits:** The timely installation of required on-site, off-site and regional roadway improvements supports accommodating development impacts and maintaining and improving levels of service vital to the regional economy.
- **Challenges:** Applying scarce transportation funds to the appropriate projects to optimize transportation system network enhancements.
- **Proposed Position:** Support and coordinate with TAMC for state infrastructure bonds, federal authorization or other grant/loan resources.

F. Work with the State Assembly Districts and the State Legislature in support of California State University’s (“CSU’s”) requests for campus impact mitigation funds for the CSU Monterey Bay (“CSUMB”) campus. Coordinate with CSUMB on requests for building removal and contaminant waste abatement on the former Fort Ord.

ISSUE: a) In July 2006, the State of California Supreme Court ruled that CSU must mitigate off-campus impacts from CSUMB campus development/growth. In order to fund its obligations, CSU requests funds from the State Legislature.

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- **Challenges:** Competition for state funds will be keen. CSUMB is only one of the 23-campus system – all seeking capital and other funds.
- **Proposed Position:** Support state budget off-campus impact and building removal earmarks requested by CSU for the CSUMB campus.

G. Work with the County of Monterey to assist Monterey Peninsula College (“MPC”) to obtain capital and program funding for its former Fort Ord Public Safety Officer Training Programs.

ISSUE: FORA/County agreed to assist MPC in securing program funds in 2003.

- **Benefits:** The Public Safety Officer Training Program is an important component of MPC’s Fort Ord reuse efforts, and will enhance public safety training at the regional and state levels. Adequate funding is critical.
- **Challenges:** Funds available through the Office of Homeland Security, the Office of Emergency Services, or other sources may be restricted.

- **Proposed Position:** Pursue legislative or other actions to support MPC efforts to secure funding sources.

H. **Coordinate efforts with other Monterey Bay agency legislative issues.**

ISSUE: Monterey-Salinas Transit, Transportation Agency for Monterey County and the County of Monterey have adopted legislative programs, some will have Fort Ord reuse impacts.

- **Benefits:** Collaborative efforts for funding by agencies involved in the same or interdependent projects will increase the chances to obtain critical funding and also be enhanced by partnering matching funds.
- **Challenges:** State and federal funding is limited during and competition for available funds will be keen.
- **Proposed Position:** Coordinate and support other legislative programs in the Monterey Bay area when they interface with former Fort Ord reuse programs.

I. **Potential Legislation regarding Fort Ord Reuse Authority future obligations.**

ISSUE: FORA has responsibilities that survive FORA's legislative sunset date, June 30, 2014. There are a number of options available to ensure these responsibilities continue to be carried out by the appropriate successor agencies without precluding any other alternatives, one approach would be to extend FORA's life for a limited and fixed period of time. As such, since a legislative action requires a long lead time, it would be prudent to include this potential in FORA's legislative program.

- **Benefits:** FORA extension retains institutional memory, expertise, financing powers, etc., and sustains Base Reuse Plan procedures/practice. Extension also maintains existing grant and funding sources, regulatory agency reporting relationships, and the potential to continue current insurance coverage(s).
- **Challenges:** Requires action by state legislature, political issues and perspective of local jurisdictions would need to be consulted/considered.
- **Proposed Position:** Begin process to extend FORA to a date certain.

J. **Support regional efforts to secure state legislation that would enable FORA jurisdictions to provide direct financial assistance to former Fort Ord commercial projects.**

ISSUE: Current redevelopment law, adopted after the Authority Act, prohibits redevelopment authorities from providing direct financial aid to sales tax generating commercial projects on certain undeveloped parcels. AB 1791 would have adjusted this as approved by both State legislative houses – but was vetoed by the Governor.

- **Benefits:** AB 1791 was widely supported as helps accelerate several Fort Ord properties, providing FORA members the financial means to support infrastructure for commercial projects. Accelerating commercial development creates jobs and helps generate tax increment funds to support affordable housing.
- **Challenges:** Opposition by some to any change in redevelopment law. Perception that this adjustment/provision removes open space.
- **Proposed Position:** Re-introduce AB 1791 legislation to allow use of tax increment from certain former Reuse Plan designated Fort Ord commercial properties to be used to accelerate reuse.

FORT ORD REUSE AUTHORITY BOARD REPORT

EXECUTIVE OFFICER'S REPORT

Subject: Administrative Committee Report

Meeting Date: November 12, 2010

Agenda Number: 8a

INFORMATION


RECOMMENDATION(S):

Receive a report from the Administrative Committee

BACKGROUND/DISCUSSION:

The Administrative Committee met on September 29, 2010. The meeting minutes for the September 29, 2010 were approved on October 20, 2010 and are attached.

FISCAL IMPACT:

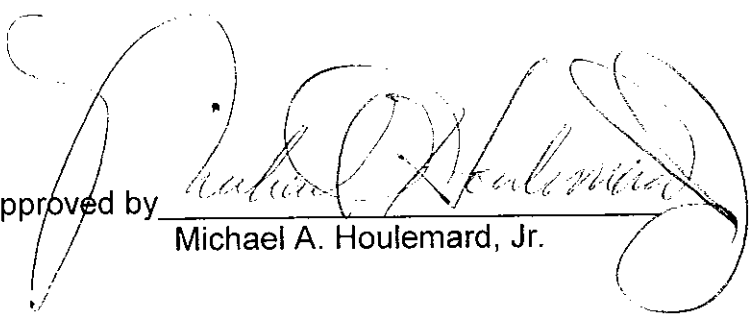
Reviewed by FORA Controller 

Staff time for this item is included in the approved FY 10-11 budget.

COORDINATION:

Administrative Committee

Prepared by 
Daylene Alliman

Approved by 
Michael A. Houlemard, Jr.

FORT ORD REUSE AUTHORITY

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Marina, CA 93933

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MINUTES OF THE ADMINISTRATIVE COMMITTEE MEETING Wednesday, September 29, 2010

APPROVED

1. Call to Order

Co-Chair/Executive Officer Michael Houlemard called the meeting to order at 8:15 a.m. The following land recipient jurisdiction representatives, establishing a quorum, were present:

*Doug Yount – City of Marina
*Jim Cook – County of Monterey
*Daniel Dawson – City of Del Rey Oaks

*Nick Nichols
*Diana Ingersoll – City of Seaside
*Elizabeth Caraker – City of Monterey

Also present, as noted by the roll sheet, were:

Jim Arnold – FORA
Crissy Maras – FORA
Steve Endsley – FORA
Jonathan Garcia – FORA
*Rob Robinson – BRAC
*John Marker – CSUMB
*Todd Muck – TAMC

*Steve Matarazzo – Sand City
Gary Rogers – MCWD
Lisa Brinton – City of Seaside
Tad Stearn – PMC
Andy Sternbenz – Schaaf & Wheeler
Bob Schaffer – Marina Community Partners
Tim O'Halloran – City of Seaside

* indicates Administrative Committee membership

Voting FORA board member jurisdictions not represented at this meeting were Cities of: Salinas, Pacific Grove, and Carmel. Arriving late was Hunter Horvath - MST

2. Pledge of Allegiance

Chair Houlemard asked Dianna Ingersoll, who agreed, to lead the Pledge of Allegiance.

3. Acknowledgements, Announcements and Correspondence – Chair Houlemard

acknowledged Monterey Salinas Transit (MST) opening of the bike trail, wrapping up construction on Rio Road in Carmel which is part of the parkway plan.

4. Public Comment Period – none

5. Approval of September 1, 2010 meeting minutes – The motion to approve the September 1, 2010 meeting minutes as corrected, was made by Diana Ingersoll seconded by Daniel Dawson, and carried unanimously.

6. Follow-up to the September 10, 2010 FORA board meeting

RE Office of Economic Adjustment ("OEA") Grant: Chair Houlemard reported on the progress of the OEA grant stating FORA Senior Planner Jonathan Garcia will give a report at the Board meeting. Agencies have provided positive reports regarding the connection of Eucalyptus and

East Garrison Road. Mr. Garcia noted that after meeting with FORA counsel, there are no concerns with the current draft Memorandum of Understanding with the California Department of Veterans Affairs. This will be an action item for the Board.

RE General Jim Moore Boulevard: Chair Houlemard noted that this item was also included in this report to the Administrative Committee. Mr. Houlemard stated that a formal ribbon cutting ceremony was planned for late October. However, the event may occur in November depending on the schedule for completion. Mr. Houlemard further noted that coordination for headquarters or regional representation by the Economic Development Administration ("EDA") was pending. This will be a Board information item.

RE Habitat Conservation Plan ("HCP"): Chair Houlemard reported that there is a meeting scheduled for October 20, 2010 from 1-5 p.m. with the regulatory agencies. Their review of the HCP document is still outstanding. This will be a Board information item.

RE Investments: Acting Assistant Executive Officer/Director of Planning and Finance Steve Endsley reported that FORA's investments had realized significant interest recently. Thus, FORA transferred the investments into a secure term account so that the funds are now positioned to establish the initial HCP endowment. This will be a Board information item.

RE Preston Park Sale: Chair Houlemard reported that the Executive Committee would review the Preston Park sale negotiations at the meeting scheduled later in the day. There is a chance that a Board closed session is warranted.

7. **New Business - Item 7a - Consistency Determination: Seaside's the Projects at Main Gate Specific Plan:** Rick Medina, Senior Planner for the City of Seaside gave an overview of the City of Seaside Projects at Main Gate Specific Plan and introduced Tad Stearn, a Principal at PMC, who would be giving the presentation. Mr. Stearn stated that the 56 acres of land at Lightfighter Drive and Second Avenue included several site concepts including entertainment based retail center, open air promenade, pedestrian access, a range of restaurants and access to the beach. So far, two concept plans were developed. Plan A includes a retail center, hotel/spa with full-service conference center, and cinema. Plan B has the same general layout with the exception of a department store anchor instead of a cinema. Mr. Stearn further noted that the Projects at Main Gate Specific Plan, is consistent with the Base Reuse Plan. After some discussion, questions from committee members and staff, and praise for the models presented, Chair Houlemard asked if there were any further questions. Seeing none, Chair Houlemard called for a motion. **Daniel Dawson motioned for approval to recommend the Board concur in the City of Seaside's Consistency Determination that the Specific Plan is consistent with the Base Reuse Plan, the motion was seconded by Jim Cook, and carried unanimously.**
8. **Old Business - Item 8b(i) - General Jim Moore Boulevard – Update:** FORA Senior Project Manager Jim Arnold reported that construction should be completed by mid-November, ahead of schedule, in order to mitigate weatherization for winter rains. Mr. Arnold further noted that bid modifications for an additional 3900 feet of Eucalyptus Road, signals at General Jim Moore Boulevard, and lighting of General Jim Moore Boulevard have been submitted to the EDA. FORA is preparing plans for the completion of General Jim Moore Boulevard within the City of Del Rey Oaks as an additive alternative to the General Jim Moore Boulevard Phase V completion contract in case excess funding beyond what is needed for the base bid should exist. Mr. Cook asked how the additive alternative compares to the Board's directive. Mr. Arnold stated he was working within the guidelines of the Board's direction. Chair Houlemard

noted that Mr. Arnold would bring back a copy of the Board meeting minutes outlining the Board's direction, on October 20, 2010 along with an explanation of how the proposed additive alternative is within Board's directive.

Item 8b(ii) - General Jim Moore Boulevard – Project Traffic Study: City of Seaside Engineer/Public Works Services Manager Tim O'Halloran explained that the City would like FORA to evaluate the traffic circulation impact of opening connections from the General Jim Moore Boulevard improvement to Seaside (connections include Hilby and San Pablo). Hatchmont McDonald is on TAMC's on-call list of consultants and prepared an estimate for this work at approximately \$26,000. Chair Houlemard stated that it is not in the CIP and was not an eligible expense of ARRA funds, which can only be used toward construction. Mr. O'Halloran stated that Seaside recommends FORA cover the cost of the study. When TAMC performed its 2005 FORA fee reallocation study, FORA took on 100% of the funding responsibilities for the General Jim Moore Boulevard improvement. FORA's initial review for this project did not evaluate the opening of Hilby and San Pablo, work Seaside believes that FORA should have done. Mr. Cook asked if there was a report. Mr. Houlemard stated that this item was recently brought to FORA's attention and FORA staff has not yet prepared a report however a report could be provided at the next Administrative Committee meeting. He explained that FORA has conducted comparable studies for California Avenue and Second Avenue in Marina. However, funding for this item would come out of the FORA CIP, which would mean the proposed funding for this study would be diverted from the current priority CIP road project. Committee members requested that the item be deferred to the next Administrative Committee meeting where a staff report could be reviewed by the Committee. Ms. Ingersoll agreed to provide assistance in writing the staff report. Mr. Houlemard stated that a draft of the report needed to be received by the 14th of October for Administrative Committee distribution on October 15, 2010.

Item 8c Outstanding Receivables - FORA fee collection form and process: Mr. Houlemard reported that there are a few projects which are out of compliance and FORA is in the collection process for the funds. He stated that staff members Jonathan Garcia and Controller Ivana Bednarik have completed a form similar to those used in planning departments, which streamlines the process. Mr. Houlemard noted that FORA will provide copies to the committee.

9. Items from Members – None

10. Adjournment

There being no further business Chair Houlemard adjourned the meeting at 9:25 a.m.

Minutes prepared by Daylene Alliman, Deputy Clerk

FORT ORD REUSE AUTHORITY BOARD REPORT

EXECUTIVE OFFICER'S REPORT

Subject: Capital Improvement Program – work plan status report

Meeting Date: November 12, 2010

Agenda Number: 8b

INFORMATION

RECOMMENDATION(S):

Receive a Capital Improvement Program ("CIP") work plan status report.

BACKGROUND/DISCUSSION:

On July 9, 2010, the Fort Ord Reuse Authority ("FORA") Board reviewed a proposed CIP work plan timeline. The Board directed staff to condense the review of CIP obligations and resources into a six-month period and to provide monthly updates. On July 14, 2010, working with the FORA Administrative Committee, FORA staff revised the CIP work plan timeline to reflect January 2011 completion. The schedule was slightly revised as a result of the CIP consultant Request for Qualifications/Request for Proposals ("RFQ/RFP") process, holding to January 2011 completion (**Attachment A**).

On August 17, 2010, FORA issued an RFQ/RFP for financial consultants to participate in a selection process to conduct the CIP review work. Four proposals were submitted by the due date of September 1, 2010. FORA convened a selection panel to review the proposals. Economic & Planning Systems, Inc. ("EPS") was selected through this process. David Zehnder is the Managing Principal and Jamie Gomes is the Principal for this project, and each have recent experience with California municipalities and county organizations reviewing CIP obligations and fee structures. David Zehnder also worked with FORA in the late 1990's and is familiar with the FORA CIP. EPS attended the October 20, 2010 FORA Administrative Committee meeting and is preparing a preliminary analysis to present to the Joint Administrative/CIP Committee on November 17, 2010. Concurrent with EPS's work, FORA staff is reviewing its CIP funding sources to ensure accuracy and TAMC is reviewing phasing of FORA's CIP transportation project expenditures with its transportation planning efforts.


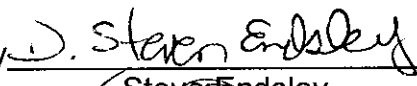
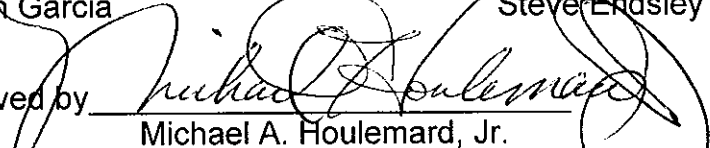
FISCAL IMPACT:

Reviewed by FORA Controller 

The CIP review consultant contract is not to exceed \$24,500. Staff time for this item and funding for the consultant contract are included in the approved FY 10-11 budget.

COORDINATION:

Administrative Committee, CIP Committee, Executive Committee

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

Revised CIP Work Plan – September 2010 to January 2011

[illegible]

1. Staff review of CIP program/ select consultant support
2. Oct. 20th – FORA Admin./CIP Committee – Program overview and feedback from stakeholders.
3. Nov. 17th – FORA Admin./CIP Committee – Consultant presents draft review of development forecasts and preliminary CIP analysis.
4. Dec. 15th – FORA Admin./CIP – Consultant presents draft summary report on CIP obligations, cost estimates and revenue forecasts.
5. Jan. 5th – FORA Admin./CIP – Consultant presents draft final report (includes previous reports plus sensitivity analyses, post-2014 options, and CIP funding source report)..
6. Jan. 14th – FORA Board – Consultant presents final report.

FORT ORD REUSE AUTHORITY BOARD REPORT

EXECUTIVE OFFICER'S REPORT

Subject:	Habitat Conservation Plan – status report	
Meeting Date:	November 12, 2010	INFORMATION
Agenda Number:	8c	

RECOMMENDATION(S):


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

BACKGROUND/DISCUSSION:

The Fort Ord Reuse Authority ("FORA"), with the support of its member jurisdictions and consultant team, is on a path to receive approval of a completed basewide HCP and 2081 permit in 2011, which will result in the US Fish and Wildlife Service ("USFWS") and California Department of Fish and Game ("CDFG") issuing crucial federal and state permits.

The FORA Board provided direction on the governance structure of the future HCP Joint Powers Authority Cooperative on May 14, 2010. ICF International (formerly Jones & Stokes), FORA's HCP consultant, completed a pre-public administrative draft HCP on December 4, 2009. FORA member jurisdictions have completed a comment and review period, which ended February 26, 2010. At this time, USFWS has commented on HCP sections 1-4 & 7-8 and has agreed to provide remaining comments by December 1, 2010, while CDFG has agreed to provide all comments by December 1, 2010 as well. The next critical milestones to completing the HCP are receiving HCP comments from USFWS and CDFG, resolving any outstanding issues from comments, and drafting the National Environmental Policy Act/California Environmental Quality Act ("NEPA/CEQA") documents. ICF International intends to schedule a working group meeting after the HCP comments are received. During this interim period, FORA staff will be working on two outstanding issues: 1) a solution that would allow the Permittees to include the Monterey Ornate Shrew as a covered species in the HCP and 2) a solution to identifying and certifying an endowment holder that can guarantee an acceptable cap rate for the HCP endowments.

FISCAL IMPACT:

Reviewed by FORA Controller 

ICF International and Denise Duffy and Associates' (FORA's NEPA/CEQA consultant) contracts have been funded through FORA's annual budgets to accomplish HCP preparation. Staff time for this item is included in the approved FY 10-11 budget.

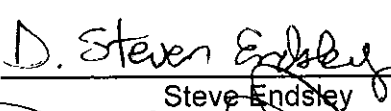
COORDINATION:

Executive Committee, Administrative Committee, Legislative Committee, HCP working group, HCP Permit Completion working group, FORA Jurisdictions, USFWS and CDFG personnel, ICF International, Denise Duffy and Associates, and various development teams.

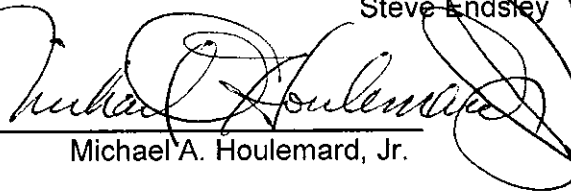
Prepared by


Jonathan Garcia

Reviewed by


Steve Endsley

Approved by


Michael A. Houlemard, Jr.

FORT ORD REUSE AUTHORITY BOARD REPORT

EXECUTIVE OFFICER'S REPORT

Subject:	Outstanding Receivables – update	
Meeting Date:	November 12, 2010	INFORMATION
Agenda Number:	8d	

RECOMMENDATIONS:

Receive a report regarding outstanding receivables.

BACKGROUND/DISCUSSION:

This report updates Fort Ord Reuse Authority ("FORA") outstanding receivables as of October 2010.

1. +/- \$50,000: Marina – FORA CFD Fee Collections

Section 6a of the Implementation Agreement requires land-use jurisdictions to assure that the FORA Development Fee or FORA Community Facilities District Fee ("FORA Fee") is paid prior to issuing a building permit. Marina did not collect fees from:

- a) The Community Hospital of the Monterey Peninsula ("CHOMP") project at 2nd Ave. and Imjin Parkway – estimated fee +/- \$25,000 and
- b) 730, 738, and 740 Neeson Road projects – estimated fee +/- \$25,000.

❖ At its September meeting the FORA Executive Committee instructed staff to work with Marina staff to obtain payment and report back at the November 3 meeting. Staff and Authority Counsel contacted Marina staff and counsel several times in this regard and achieved the following:

- a) City staff wrote to CHOMP regarding the FORA fee. FORA staff anticipates payment from CHOMP by the Board meeting.
- b) Resolution has not yet been achieved regarding FORA Fees owed by the Neeson Road projects. Marina Counsel is researching the issue. Neeson Road projects are subject to the FORA Fee as the projects are within the FORA Community Facilities District (adopted in 2002). Marina approved development entitlements for these projects in 2004 and 2008 without collecting the FORA Fee. Staff is working to resolve collection.

2. \$143,893: UCP – Interest reimbursement

In September 2010, UCP's financial partner questioned paying further interest payments paid since they acquired rights to the East Garrison project in a trustee's sale in 2009. UCP's partner asserted that they purchased the debt instrument and not all other obligations. Therefore, contending that they are not technically subject to the terms and conditions of the agreement among the County, FORA and the past developer.

❖ Since the October report, UCP agreed to bring outstanding payments current and requested a meeting with FORA senior staff to discuss alternatives including purchasing the East Garrison land and/or amortizing the balance due in some form of debt instrument.

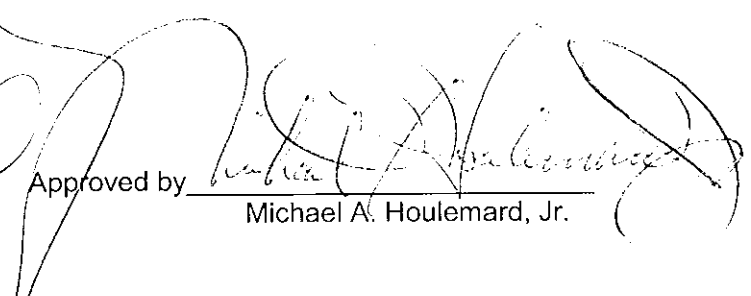
FISCAL IMPACT:

A negative impact on FORA's net revenues as FORA expends its own resources until these receivables are collected.

COORDINATION:

Executive Committee

Prepared by 
Ivana Bednarik

Approved by 
Michael A. Houlemard, Jr.