



Fort Ord Reuse Authority

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BOARD OF DIRECTORS BOARD MEETING Wednesday, August 29, 2012 at 5:30 p.m. 910 2nd Ave, Marina (Carpenter's Union Hall)

Minutes

1. CALL TO ORDER AND ROLL CALL

Chair Potter called the Board Meeting to order at 5:30 p.m.

Voting Members Present:

Chair/Supervisor Potter (County of Monterey)
Mayor Edelen (City of Del Rey Oaks)
Councilmember Beach (City of Carmel-by-the-Sea)
Councilmember Ford (City of Marina)
Councilmember Brown (City of Marina)
Supervisor Calcagno (Monterey County)

Supervisor Parker (County of Monterey)
Councilmember Kampe (City of Pacific Grove)
Mayor Donahue (City of Salinas)
Mayor Pendergrass (City of Sand City)
Mayor Bachofner (City of Seaside)
Mayor Pro-Tem Bloomer (City of Seaside)

Absent:

Mayor Burnett (City of Carmel-by-the-Sea), Mayor ProTem O'Connell (City of Marina), Councilmember Oglesby (City of Seaside), Councilmember Selfridge (City of Monterey)

Ex-Officio Members Present:

Cristal Clark (15th State Senate District)
Nicole Charles (27th State Assembly District)
Graham Bice (University of California)
Justin Wellner (CSUMB) @ 3:34 p.m.

Vicki Nakamura (MPC)
Gail Youngblood (Fort Ord BRAC Office)
Ken Nishi (MCWD)

2. PLEDGE OF ALLEGIANCE

Chair Potter led the Pledge of Allegiance.

3. CLOSED SESSION

Chair Potter announced the closed session items and called for public comments. Receiving none, the Board convened into closed session at 5:34 p.m.

- a. **Conference with Legal Counsel - Existing Litigation, Gov Code 54956.9(a) – Three Cases**
 - i. **Keep Fort Ord Wild v. Fort Ord Reuse Authority, Case Number: M116438**
 - ii. **Keep Fort Ord Wild v. Fort Ord Reuse Authority, Case Number: M114961**
 - iii. **Keep Fort Ord Wild v. Fort Ord Reuse Authority, Case Number: M119217**

The Board reconvened into open session at 6:06 p.m.

4. ANNOUNCEMENT OF ACTION TAKEN IN CLOSED SESSION

Authority Counsel Jerry Bowden announced that the Board had retained Kennedy, Archer and Harray as legal counsel for case number M119217.

5. ACKNOWLEDGEMENTS ANNOUNCEMENTS, AND CORRESPONDENCE

None.

6. PUBLIC COMMENT

Ron Cheshire, Building Construction Trades Council, discussed prevailing wage.

LeVonne Stone, Fort Ord Environmental Justice Network, discussed the Board's method of receiving public comments. She suggested that the Fort Ord Environmental Justice Network should not have to follow the same process as the general public.

Ken Dursa discussed falling home prices and lack of economic development.

Jan Shriner discussed housing developments approved by the City of Marina.

7. CONSENT AGENDA

a. July 13, 2012 FORA Board Meeting Minutes

b. July 26, 2012 FORA Board Meeting Minutes

Executive Officer Michael Houlemard explained that staff had made several minor modifications to the July 26, 2012 Board meeting minutes, an excerpt of which had been distributed to the Board and public.

Due to questions regarding the July 13, 2012 minutes, Chair Potter proposed that Item 7a be continued to the next meeting. The Board agreed. *(Item 7a was approved at the August 10, 2012 meeting and was agendized for this meeting in error)*

MOTION: Mayor Bachofner moved, seconded by Mayor Edelen, and the motion passed unanimously to approve the July 26, 2012 Board meeting minutes as amended.

8. OLD BUSINESS

a. Capital Improvement Program Review – Phase II Study (2nd Vote)

- i. Adopt Resolution to Implement a Formulaic Approach to the FORA Development Fee Schedule and Communities Facilities District Special Tax Rates
- ii. Approve Amendment #1 to the FORA-Jurisdictions Implementation Agreements to Implement a Formulaic Approach

Assistant Executive Officer Steve Endsley presented an overview of the formulaic approach and provided answers to questions asked by the Board at the previous Board meeting.

Mayor Bachofner stated that because the workshop was schedule to begin, the Board should continue the second vote on the item to the next Board meeting.

MOTION: Mayor Bachofner moved, seconded by Councilmember Brown, to continue the item to the September 14, 2012 Board meeting.

Mr. Houlemard stated that the second vote was customarily taken at the meeting immediately following a first vote. Mayor Edelen emphasized the urgency of the second vote and its potential impact on current state legislation.

The Board agreed to continue consideration of all action items until after the scheduled public workshop.

Mayor Donahue stated that the item had been properly vetted and was ready for a second vote.

SUBSTITUTE MOTION: Councilmember Ford moved, seconded by Mayor Donahue, to:

- i. **Adopt a Resolution, which would implement a formulaic approach to establishing the Fort Ord Reuse Authority (FORA) Development Fee Schedule and Community Facilities District (CFD) Special Tax rates (Attachment A).**
- ii. **Authorize the Executive Officer to execute Amendment #1 to the FORA-jurisdictions Implementation Agreements, which would codify the formulaic approach to establish the FORA Development Fee Schedule and CFD Special Tax rates (Attachment B).**
- iii. **Schedule Board review of the formula after one year.**

Supervisor Parker expressed continuing concerns with the item.

POINT OF ORDER: Councilmember Ford called the previous question on the substitute motion.

VOTE ON SUBSTITUTE MOTION: Ayes: Councilmember Beach, Mayor Edelen, Councilmember Ford, Chair Potter, Supervisor Calcagno, Councilmember Kampe, Mayor Donahue, Mayor Pendergrass, Mayor Bachofner, Mayor Pro-Tem Bloomer. Noes: Supervisor Parker, Councilmember Brown

b. Ex-Officio Representation on FORA Executive Committee (2nd Vote)

Mayor Bachofner stated that, based on assurances that the request for representation on the FORA Executive Committee was not intended as a first step towards altering the composition of the FORA Board, he planned to reverse his previous opposition to the item and vote in support of granting CSUMB's request.

MOTION: Mayor Edelen moved, seconded by Supervisor Parker, and the motion passed unanimously to amend Chapter 2, Article 2.03.020 of the FORA Master Resolution to add an ex-officio non-voting member to the FORA Executive Committee, to be appointed from among the ex-officio Board members by the Board Chair on an annual basis.

9. PUBLIC WORKSHOP

a. Base Reuse Plan Reassessment Draft Scoping Report

Senior Planner Jonathan Garcia provided a brief presentation, recognizing several timely comments that had been inadvertently omitted from the draft report. He stated that those comments had been identified and included.

The Board received comments from members of the public regarding the draft Scoping Report. *(Please see attached transcription.)*

Chair Potter thanked members of the public for attending and for their professionalism and respect for time limitations.

Mr. Houlemard announced that all comments received by September 4, 2012 would be included in the final Scoping Report. He discussed the timeline for Reassessment.

10. ITEMS FROM MEMBERS

Mayor Bachofner stated he would like for the Board to reconsider the substitute motion under Item 8a. He stated that if the current meeting was not the appropriate time for reconsideration, he would like

the item to be continued to another meeting. Councilmember Brown stated that if Mayor Bachofner's comments constituted a motion, he would second that motion. Chair Potter stated that the second vote had already taken place on the item, but that Mayor Bachofner could bring the item back for reconsideration at another time.

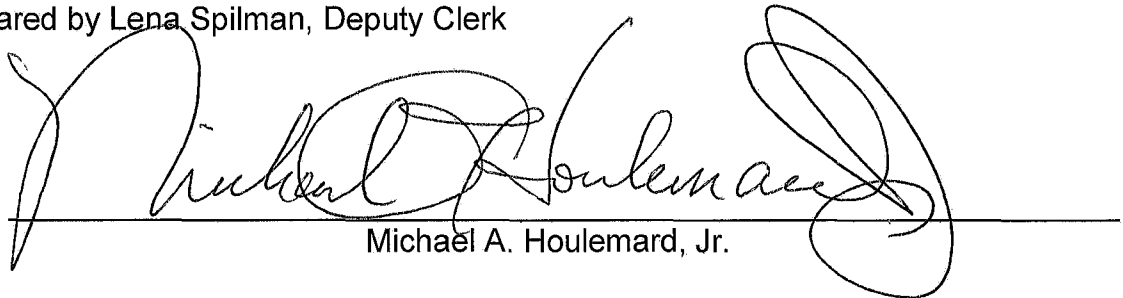
11. ADJOURNMENT

Chair Potter adjourned the meeting at 8:51 p.m.

Mayor Bachofner motioned for reconsideration of Item 8a. Chair Potter ruled the motion out of order as the meeting had already been adjourned.

Minutes prepared by Lena Spilman, Deputy Clerk

Approved by:

A handwritten signature in black ink, appearing to read "Michael A. Houlemard, Jr.", is written over a horizontal line. The signature is stylized and cursive.

Michael A. Houlemard, Jr.

**At the October 12, 2012 FORA Board meeting Supervisor Parker requested, and the Board unanimously agreed, to direct staff to amend Item 10 to reflect that Mayor Bachofner's motion for reconsideration occurred prior to Chair Potter's adjournment of the meeting. After review of the video recording from this meeting, staff believes the above to be an accurate reflection of the proceedings.*