



FORT ORD REUSE AUTHORITY

BOARD OF DIRECTORS REGULAR MEETING MINUTES

Friday, September 11, 2015 at 2:00 p.m.

910 2nd Avenue, Marina, CA 93933 (Carpenters Union Hall)

1. CALL TO ORDER

Chair O'Connell called the meeting to order at 2:00 p.m.

2. CLOSED SESSION

- a. Pending/Anticipated Litigation-Government Code section 54956.9(e)(2): Facts and circumstances that might result in litigation due to interpretation of Facilities Agreement language pertaining to Dispute Resolution process.

The Board adjourned into closed session at 2:01 p.m.
No public comment was received.

ANNOUNCEMENT OF ACTION TAKEN IN CLOSED SESSION

The Board reconvened into open session at 2:34 p.m.

Authority Counsel, Jon Giffen, announced there was no reportable action taken by Board.
No public comment was received.

3. PLEDGE OF ALLEGIANCE/ROLL CALL

• **Moment of Silence**

Chair O'Connell asked for a moment of silence in remembrance of 9/11 event to honor and respect those who lost their lives on this catastrophic day in our Nation's history.

Pledge of Allegiance was led by Mayor Gunter.

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

Mayor Edelen (City of Del Rey Oaks)	Supervisor Parker (County of Monterey)
Mayor Rubio (City of Seaside)	Supervisor Potter (County of Monterey) AR
Mayor Pendergrass (City of Sand City)	Councilmember Beach (City of Carmel)
Mayor Gunter (City of Salinas)	Councilmember Haffa (City of Monterey)
Mayor Pro-Tem Oglesby (City of Seaside)	Councilmember Lucius (City of Pacific Grove) AR
Supervisor Phillips (County of Monterey)	Councilmember Morton (City of Marina)

Ex-officio (Non-Voting) Board Members Present: Dr. Eduardo Ochoa (CSUMB), Erica Parker (29th Assembly Dist); Donna Blitzer (UCSC), Andre Lewis, (CSUMB) AR, Lisa Rheinheimer* (Monterey-Salinas Transit), Hugh Hardin (U.S. Army), Bill Collins (Fort Ord BRAC Office), Director Le (Marina Coast Water District), Erica Parker (CA Assembly member Stone), and PK Diffenbaugh (MPUSD).

Absent: Nicole Charles (CA Senator Monning); Alec Arago (20th Congressional Dist.); and Vicki Nakamura (Monterey Peninsula College) and Debbie Hale (TAMC).

4. ACKNOWLEDGEMENTS, ANNOUNCEMENTS, AND CORRESPONDENCE

- a. New Staff Introductions
Michael Houlemard introduced Ted Lopez, Assistant Planner to the Board and spoke of his past work experiences helping the Planning Division.
- b. Staff Recruitment Update
Executive Officer introduced this item to the Board. Jonathan Garcia updated Board on the recruitment of a Project Coordinator Specialist to assist the Capital Improvement Projects.

5. CONSENT AGENDA

- a. Approve July 10, 2015 Board Meeting Minutes
- b. Adopt Salary Schedule for Project Coordinator/Specialist
- c. Confirm Executive Officer's Signature & Delegation Authority for Preston Park Sale

Mr. Houlemard introduced these items, presented information and responded to Board questions. Chair O'Connell stated that a couple of typographical errors were found in pages 1 and 2 of the July 10, 2015 minutes and requested a correction.

MOTION: Mayor Rubio moved, seconded by Mayor Edelen to approve all items of Consent Agenda as presented to include corrections in minutes.

MOTION PASSED UNANIMOUSLY.

Board received no comments from the public.

6. BUSINESS ITEMS

- a. Base Reuse Plan (BRP) Post-Reassessment Progress Update
 - i. DRAFT Regional Urban Design Guidelines (RUDG) Update
 - ii. BRP Reassessment Report: Categories 1 & 2 Progress Update
 - iii. BRP Reassessment Report: Category 3 Status Update

Mr. Houlemard thanked Councilmember Beach and Councilmember Morton for their attendance and thorough review of BRP and RUDG items at these meetings.

Jonathan Garcia gave a power point presentation on the Base Reuse Plan to the Board and answered Board questions.

Josh Metz provided an update on Regional Urban Design Guidelines with a bubble chart and answered Board questions. He said the guidelines would be brought to the Board at its November meeting with a final document before the end of the year.

Jason King, Consultant for FORA, provided additional information about the RUDG and shared some comments from that Committee as, "aspirational and yet practical."

Ted Lopez provided comments to the overview of Categories 1-2 and added a Request For Proposals (RFP) was released on August 13 and a consultant would be selected in October. Jonathan Garcia reviewed Category 3 items.

Mayor Rubio said that as a recent new member to PRAC he acknowledged the wordsmithing that has been done to that document. But that critical elements of the BRP need to be accomplished before the FORA sunsets. PRAC was asked to take on water augmentation and that road and infrastructure needs are critical to complete the real mission for PRAC.

The Board did not receive public comment.

- b. Water Augmentation Project Planning Process–Status Report on Meetings between Monterey Regional Water Pollution Control Agency (MRWPCA), Marina Coast Water District (MCWD) and FORA.

Steve Endsley presented this item to the Board and provided a brief overview. He said this item originated from the Water Augmentation program and four months ago Staff was asked to begin negotiations between the MCWD and MRWPCA. Mr. Endsley invited the General Managers for MCWD and MRWPCA to provide a status update on the project with technical information. Both Mr. Van Der Maaten and Mr. Sciuto gave updates with power point presentations and answered Board member questions.

Mr. Houlemard added that FORA has participated in framework-type discussions with both agencies to enter into a possible agreement and part of this process could lead to reduce the cost to rate-payers.

The Board did not receive public comments.

Mayor Rubio acknowledged the hard work on this concept agreement by both Boards, that this project benefits everyone, and solves some of the water issues with Salinas and the Peninsula. A board member asked FORA Board to proceed with this project.

Chair O'Connell proposed adding this as a future agenda item.

- c. Marina Coast Water District- Water and Wastewater Facilities Agreement Dispute Resolution – Update

Steve Endsley introduced this item, presented information through a factual overview of Board packet materials provided. He answered Board member questions.

Chair O'Connell opened board comments. The Board then reviewed the item for 69 minutes, some members expressed concern over the Facilities Agreement dispute resolution process. Authority Counsel (AC) and Staff answered/clarified questions about the August 10th letter, the \$470,000 budget item, the AC opinion, and the 9% increase. Authority Counsel confirmed that the Board has the right to enter into contracts where the dispute process is outlined and that no statute or ordinance has been or was violated in this process. Some members expressed confidence in the AC's work and their concern about breaching the agreement and potential litigation.

Board received comments from the public.

Councilmember Beach, Mayor Pendergrass and Supervisor Potter left meeting before the vote.

MOTION: Mayor Edelen moved, seconded by Mayor Rubio to approve the August 10, 2015 letter to Marina Coast Water District regarding the Dispute Resolution terms as presented.

ROLL CALL WAS TAKEN:

MOTION RECEIVED MAJORITY APPROVAL (2ND VOTE REQUIRED): **Ayes**: O'Connell, Edelen, Rubio, Phillips, Gunter, Oglesby. **Noes**: Parker, Morton, Lucius, Haffa. **Absent**: Beach, Pendergrass, Potter. **Abstentions**: None. (6-4-3-0)

Mayor Gunter left meeting after the vote.

d. Fort Ord Reuse Authority Prevailing Wage Program.

Executive Director introduced this item. Robert Norris presented information and responded to Board questions. Mr. Houlemard added that FORA already asks jurisdictions (through Master Resolution) to abide by this and that to implement enforcement would create considerable costs.

Chair O'Connell interrupted meeting to note the conclusion of meeting time was nearing. He said that given the additional items on agenda, a motion was needed to extend the meeting to 5:30 p.m.

MOTION: Chair O'Connell moved, seconded by Supervisor Parker, to extend the Board meeting until 5:30 p.m.

MOTION PASSED UNANIMOUSLY.

Mr. Houlemard further added that compliance with prevailing wages is already the practice in place: passing these onto the developers who contract with professional compliance monitors who then report back to the jurisdictions. He added it has created issues with lack of compliance which were sent to DIR. Jurisdictions do not have the staff and this is where conflict began.

The Board received public comments.

MOTION: Mayor Edelen moved, seconded by Mayor Rubio, to adopt Option C as presented by Staff. Mayor Rubio offered a friendly amendment to the motion and requested Staff to compile a list of consultants for this item.

Board members offered comments on the amendment.

MOTION PASSED UNANIMOUSLY.

e. Fort Ord Reuse Authority Building Removal Update

Chair O'Connell noted that given the hour, this item would be skipped.

7. PUBLIC COMMENT PERIOD

The Board received no comments from the public.

Mayor Pro-Tem Oglesby asked Chair O'Connell if all the Informational items under Executive Officer's Report could be accepted as a whole and thereby allowing the meeting to end at the agreed upon extended time.

Chair O'Connell agreed after Authority Counsel affirmatively responded to the question.

8. EXECUTIVE OFFICER'S REPORT

- a. Outstanding Receivables
- b. Habitat Conservation Plan Update
- c. Administrative Committee
- d. Post Reassessment Advisory Committee
- e. Regional Urban Design Guidelines Task Force
- f. Veterans Issues Advisory Committee
- g. Travel Report
- h. Public Correspondence to the Board

Items 8a-8h were accepted by Board as a whole report. No board discussion was undertaken.

9. ITEMS FROM MEMBERS

None.

10. ADJOURNMENT

Chair O'Connell adjourned the meeting at 5:20 pm.