



# FORT ORD REUSE AUTHORITY

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## REGULAR MEETING

### FORT ORD REUSE AUTHORITY BOARD OF DIRECTORS

Friday, October 9, 2015 at 2:00 p.m.

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

## AGENDA

### 1. CALL TO ORDER

### 2. PLEDGE OF ALLEGIANCE

### 3. CLOSED SESSION

- a. Conference with Legal Counsel - Existing Litigation, Gov Code 54956.9(a) – 1 Case
  - i. *Keep Fort Ord Wild v. Fort Ord Reuse Authority (FORA)*, Case Number: M114961

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

### 5. ROLL CALL

### 6. ACKNOWLEDGEMENTS, ANNOUNCEMENTS, AND CORRESPONDENCE

- a. Sale of Preston Park to City of Marina
- b. CSUMB Request for Letter of Support EDA i6 Grant

### 7. CONSENT AGENDA

- |   |           |                    |
|---|-----------|--------------------|
| a. Approve September 11, 2015 Minutes                                 | (p.1-5)   | ACTION             |
| b. Base Reuse Plan (BRP) Post-Reassessment Report                     | (p.6-17)  | INFORMATION/ACTION |
| Categories 1 and 2 Consultant Recommendation                          |           |                    |
| c. Environmental Services Cooperative Agreement Quarterly Update      | (p.18-20) | INFORMATION        |
| d. Ad Hoc Advisory Task Force to Review & Recommend Authority Counsel | (p. 21)   | INFORMATION        |
| Requests Policy   |           |                    |
| e. Economic Development Progress Report                               | (p.22-23) | INFORMATION        |

### 8. BUSINESS ITEMS

- a. Water Augmentation Program Planning Update (p.24-31) INFORMATION/ACTION
- b. MCWD/FORA Facilities Agreement Dispute Resolution – 2nd Vote (p.32-40) INFORMATION/ACTION

- |   |                    |
|---|--------------------|
| c. Fort Ord Reuse Authority Prevailing Wage Program (p.41-44) | INFORMATION/ACTION |
| i. Master Resolution Amendment                                |                    |
| ii. Compliance Vendor List                                    |                    |
| d. Caretaker Costs Policy (p.45-48)                           | INFORMATION/ACTION |

## 9. PUBLIC COMMENT PERIOD

Individuals wishing to address matters within Board's jurisdiction, but not on this agenda, may do so during this period for up to three minutes. Comments on specific agenda items are heard under that item.

## 10. EXECUTIVE OFFICER'S REPORT

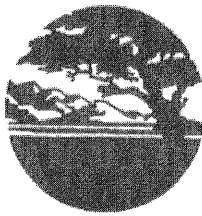
- |   |             |
|---|-------------|
| a. Annual Report FY 2014-15 (p.49)                        | INFORMATION |
| b. Outstanding Receivables (p. 50)                        | INFORMATION |
| c. Habitat Conservation Plan Update (p.51)                | INFORMATION |
| d. Administrative Committee (p.52-57)                     | INFORMATION |
| e. Post Reassessment Advisory Committee (p.58-63)         | INFORMATION |
| f. Regional Urban Design Guidelines Task Force (p. 64-66) | INFORMATION |
| g. Veterans Issues Advisory Committee (p. 67-69)          | INFORMATION |
| h. Travel Report (p. 70-73)                               | INFORMATION |
| i. Public Correspondence to the Board (p. 74)             | INFORMATION |

## 11. ITEMS FROM MEMBERS

## 12. ADJOURNMENT

### NEXT BOARD MEETING: NOVEMBER 13, 2015

Persons seeking disability related accommodations should contact FORA 48 hrs prior to the meeting. This meeting is recorded by Access Monterey Peninsula and televised Sundays at 9 a.m. and 1 p.m. on Marina/Peninsula Chanel 25. The video and meeting materials are available online at [www.fora.org](http://www.fora.org).



# FORT ORD REUSE AUTHORITY

## BOARD OF DIRECTORS REGULAR MEETING MINUTES

Friday, September 11, 2015 at 2:00 p.m.  
910 2<sup>nd</sup> 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 (29<sup>th</sup> 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 (20<sup>th</sup> 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 (2<sup>ND</sup> 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.

DRAFT

# FORT ORD REUSE AUTHORITY BOARD REPORT

## CONSENT AGENDA

<b>Subject:</b>	Base Reuse Plan (BRP) Post-Reassessment Report Categories 1 and 2 Consultant Recommendation	
<b>Meeting Date:</b>	October 9, 2015	<b>INFORMATION/ACTION</b>
<b>Agenda Number:</b>	7b	

### RECOMMENDATION(S):

Authorize the Executive Officer to execute a BRP Reassessment Report Categories 1 and 2 environmental consultant contract with Michael Baker International not-to-exceed \$118,390.00.

### BACKGROUND/DISCUSSION:

The Fort Ord Reuse Authority (FORA) Board of Directors (Board) approved the 2014 Post BRP Reassessment Work Plan at its February 13, 2014 meeting, which included completion of Reassessment Report Categories 1 and 2 items. The Category 1 focus is on text / figure changes and Category 2 focus is on prior Board actions and regional plan consistency.

At the November 14, 2014 meeting, staff informed Board members that special land use attorney Alan Waltner recommended Categories 1 and 2 undergo California Environmental Quality Act (CEQA) review. In addition, Special Counsel Waltner recommended that FORA hire an environmental consultant to determine the type of CEQA environmental clearance to complete Categories 1 and 2.

At the September 11, 2015 meeting, staff informed Board members that a Request for Proposals (RFP) was released August 13, 2015 to contract an environmental consultant to conduct a Categories 1 and 2 CEQA environmental determination and clearance. Staff also contacted 25 environmental consultants to submit a proposal. Three environmental consultant firms submitted proposals by the September 2, 2015 deadline: EMC Planning, Michael Baker International (MBI) and Marine Research Specialists.

Staff reviewed the three environmental consultant firms' proposals and invited each firm to participate in interviews on September 17, 2015. Staff also assembled a three-member panel interview team to conduct the interviews and evaluate each consultant. The panel team was comprised of Administrative Committee representatives from the County of Monterey, City of Monterey and California State University Monterey Bay.

The panel team conducted a thorough review of each proposal. The panel team asked each consultant firm questions concerning technical skills, CEQA experience, environmental clearance strategy and project team work management to complete environmental compliance. In addition, the panel reviewed consultant estimated costs and projected timelines for completing several environmental clearance scenarios (Initial Study (I/S) Checklist, Negative Declaration, Mitigated Negative Declaration and Environmental Impact Report).

The panel team was unanimous in recommending that FORA contract with MBI to complete Categories 1 and 2 CEQA compliance.

Staff is planning to complete Categories 1 and 2 in two phases. Phase one consists of analysis, determination, legal assistance, I/S Checklist and meeting presentations to the Administrative Committee and Board (Work Program Tasks 1, 2, 4). Phase two involves the necessary CEQA documents to complete environmental clearance. Environmental clearance would consist of a completed Negative Declaration, Mitigated Negative Declaration or Environmental Impact Report. (Work Program Task 3).



Therefore, MBI's Work Program Tasks will consist of an analysis and determination of project, preparation of an I/S Checklist, quantification of air quality / greenhouse gas emissions, habitat management / assessment, meeting presentations and written findings, determinations and administrative drafts and final documents (phase one). The contract budget would be limited to a not-to-exceed amount of \$118,390.00, Draft Contract Agreement (**Attachment A**).

MBI has a local office in Monterey. MBI's project team consists of the following members: Tad Stearns, Principal; Darcy Kremin, Senior Planner / Project Manager; Rita Garcia, Technical Manager; Joyce Hunting, Biology / HMP Analyst; Florentina Craciun, Associate Environmental Planner; Seth Myers, Air Quality / GHG Analyst, and; Jonathan Faoro, GIS. In addition, MBI proposes using the law firm of Holland and Knight to provide CEQA legal assistance.

**FISCAL IMPACT:**

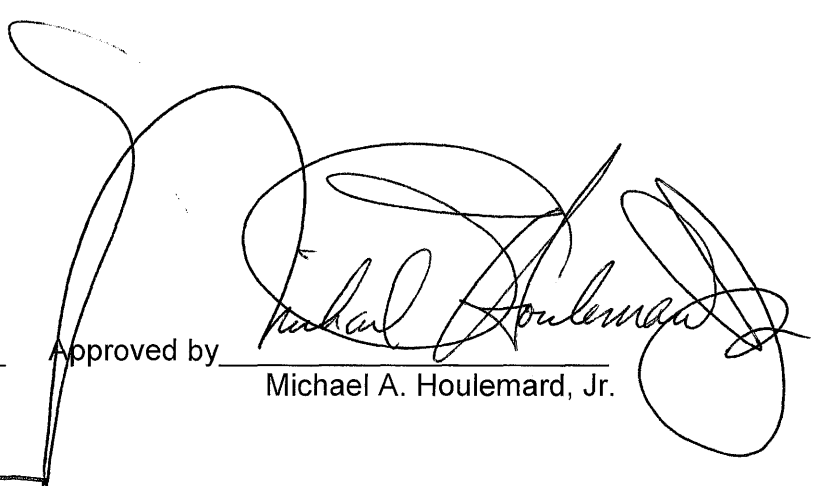
Reviewed by FORA Controller 

Staff time and funding for CEQA consultants to finish Categories I and II post-reassessment items is included in the approved FORA budget.

**COORDINATION:**

Authority Counsel, Administrative and Executive Committees.

Prepared by   
Ted Lopez

Approved by   
Michael A. Houlemard, Jr.

Contract Agreement Subject to Review and Approval by FORA Authority Counsel  
Agreement No. \_\_\_\_\_

**Agreement for Professional Services**

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

The parties agree as follows:

1. SERVICES. Subject to the terms and conditions set forth in this Agreement, Consultant shall provide FORA with services associated as described in Exhibit "A". Such services will be at the direction of the Executive Officer of the Fort Ord Reuse Authority or the Executive Officer's designee.

2. TERM. Consultant shall commence work under this Agreement effective on October \_\_\_\_, 2015 and will diligently perform the work under this Agreement until \_\_\_\_, 2016 or until the maximum amount of the compensation as noted below is reached. The term of the Agreement may be extended upon mutual concurrence and amendment to this Agreement.

3. COMPENSATION AND OUT OF POCKET EXPENSES. The overall maximum amount of compensation to Consultant over the full term of this Agreement is not-to-exceed \$118,390.00 (One Hundred Eighteen Thousand Three Hundred Ninety Dollars including out of pocket expenses. FORA shall pay Consultant for services rendered pursuant to this Agreement at the times and in the manner set forth in Exhibit "A".

4. FACILITIES AND EQUIPMENT. Consultant is not required to use FORA facilities or equipment for performing professional services. At the Executive Officer's request, Consultant shall arrange to be physically present at FORA facilities to attend meetings or provide presentations at least during those days and hours that are mutually agreed upon by the parties to enable the delivery of the services noted in the Work Program attached hereto in Exhibit "A."

5. GENERAL PROVISIONS. The general provisions set forth in Exhibit "B" are incorporated into this Agreement. In the event of any inconsistency between said general provisions and any other terms or conditions of this Agreement, the other term or condition shall control only insofar as it is inconsistent with the General Provisions.

6. EXHIBITS. All exhibits referred to herein are attached hereto and are by this reference incorporated herein.

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

FORA

CONSULTANT

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

\_\_\_\_\_ Date

By \_\_\_\_\_  
Michael Baker International

\_\_\_\_\_ Date

# WORK PROGRAM

## **TASK 1: ANALYSIS AND DETERMINATION OF CATEGORIES 1 AND 2 – PROJECT OR NO PROJECT?**

### **TASK 1.1: WRITTEN DETERMINATION**

For this task, the Michael Baker team will review all relevant documents and supporting materials in order to provide an informed opinion as to whether the totality of the activities, past and present, constitute a project as defined by CEQA Guidelines Section 15378.

The majority of the Category 1 corrections are minor and incidental and should result in few or no environmental consequences. Category 2 actions, however, will be more carefully reviewed to determine if the whole of the action—all of the corrections collectively—meet the definition of a project under CEQA. Based on a preliminary review, a conservative opinion would conclude that the actions would meet that definition.

To assist with this task, Michael Baker will engage the legal services of Holland and Knight (Holland). Holland's role will be limited to assist Michael Baker in the review of the Category 1 and 2 modifications and to provide a legal opinion regarding the project status of this material. They will conduct two primary tasks: 1) review all Category 1 and 2 materials for context; and 2) review and provide input/legal guidance on Michael Baker's written findings and determination. Holland shall be available to discuss all legal matters with Fort Ord Reuse Authority (FORA) Authority Counsel and / or legal representatives.

We will prepare an administrative draft "determination opinion" in letter or memo form, describing our findings, reasoning, and supporting statutory citations. Following staff review and comment, we will prepare a revised opinion and deliver a presentation to the FORA Board.

In the event we find that the activities and corrections do not constitute a project or otherwise qualify for an exemption, the CEQA exemption will be prepared and filed with the County Clerk.

## **TASK 2: INITIAL STUDY, DETERMINATION, AND DELIVERABLES FOR CATEGORIES 1 AND 2**

### **TASK 2.1: MAP REVISIONS AND COMPILATION OF PROJECT DESCRIPTION**

Using the Reassessment Report, Post Reassessment Advisory Committee (PRAC) recommendations, and electronic files from the Base Reuse Plan, we will compile all BRP text and figure changes into one location to serve as the basis of the Initial Study's project description. The Project Description will contain and uniformly present the following:

- Category 1 BRP Corrections and Updates
- Category 2 Prior Board Actions and Regional Plan Consistency Determinations (for cities of Marina, Seaside, and Del Rey Oaks)
- Category 2 Land Use Modification Based on Other Actions
- Category 2 Modification of BRP Circulation Maps, Text, and Capital Improvement Plans
- Category 2 BRP Modifications Regarding Consistency with Regional and Local Plans

To prepare the necessary revisions to graphics, Michael Baker GIS staff will work with FORA staff and/or their consultants to obtain the baseline GIS files. The PRAC recommendations identify 30 figures that may require varying degrees of revision. We will generate approximately 30 corrected figures addressing land use and circulation. All figures will be reviewed with FORA staff in draft form, particularly any figures that involve changes to land use designations, boundaries, and transportation facilities. All revised figures will include the recommended title block information specifying the date and nature of the revision, as well as the data sources. A record of all original figures will be maintained.

Additional effort will be applied to Figure 3.3-1 (Land Use Concept: Ultimate Development) as that is the key diagram to the BRP and will need to reflect all final Category 2 corrections, land use changes based on prior actions, and consistency determinations. We will consult with special counsel (Mr. Waltner) as we itemize the changes and translate the information to the land use diagram. A similar approach will be followed in updating circulation diagrams.

Up to five iterations of Figure 3.3-1 will be prepared, reviewed, and amended with input from FORA staff. FORA will be provided with all updated GIS files.

# Work Program

## TASK 2.2: ADMINISTRATIVE DRAFT INITIAL STUDY

Using the Project Description as the basis of evaluation, Michael Baker will prepare a thorough Initial Study pursuant to CEQA Guidelines Section 15063. Each topic area of the Initial Study checklist will be reviewed against the “whole” of the actions and corrections to the BRP. To conduct such a review, we will review each checklist question against the grouping of changes listed above in order to provide an informed opinion as to whether the modifications may lead to direct or indirect environmental effects.

Where changes could potential lead to impacts (such as those associated with changes to land use development patterns or modified roadway configurations), we will seek out and cite the relevant certified environmental review documents and/or associated agency findings which have addressed that particular issue, regardless of lead agency. The concept is to pull previously adopted analyses and conclusions into the Initial Study to demonstrate that the package of BRP amendments has either been previously and adequately analyzed or would not have a significant environmental effect. This approach is consistent with the September 2013 memorandum prepared by Mr. Waltner, as well as with CEQA Guidelines Section 15063(b)(B).

Using this approach, a Negative Declaration or Mitigated Negative Declaration may serve as the ultimate review document under CEQA. However, if the study finds that previous environmental review is not sufficient, or if other changes in circumstances have occurred that prevent FORA from making the necessary findings regarding significant effects, an EIR may be necessary to fill any “gaps” in analysis between the BRP and its refinements.

## TASK 2.3: QUANTIFICATION OF AIR QUALITY AND GREENHOUSE GAS EMISSIONS

Because the Category 1 and 2 corrections and actions have occurred over time, the prior evaluations that may have supported those actions (such as related environmental documents) likely do not reflect current requirements for assessment of greenhouse gas emissions. For this reason, an estimate and quantification of predicted changes in emissions caused by the corrections would help support the Initial Study’s findings.

To conduct this analysis, Michael Baker’s air quality and greenhouse gas (GHG) modelers will use the Project Description, related environmental documents, and other information to list and quantify changes to disturbed land areas (construction) and predicted traffic volumes and patterns on the BRP roadway network. TAMC policies and programs under Category 2, as they may affect air quality and GHG emissions, will also be considered. Those inputs will be applied to the modeling software to calculate any changes in emissions. Specific analysis tasks will include the following:

*Air Quality.* Michael Baker will conduct an air quality analysis of the potential construction and operational activities proposed by the project. The analysis of air quality impacts will be based on the Monterey Bay Unified Air Pollution Control District (MBUAPCD)–recommended methodologies and thresholds of significance, including those documented in the 2008 CEQA Air Quality Guidelines. The analysis will describe federal, state, and MBUAPCD ambient air quality standards applicable to the proposed project, as well as the current status of air quality planning programs. Short-term emissions associated with the construction of the project and long-term operational emissions associated with project operations will be quantified using the California Emissions Estimator Model (CalEEMod). CalEEMod is a statewide land use emissions computer model designed to quantify potential criteria pollutant emissions associated with both construction and operations from a variety of land use projects. Potential toxic air contaminant–related impacts resulting from project construction will be qualitatively assessed based on the guidance in the 2008 CEQA Air Quality Guidelines.

*GHG Emissions.* Similar to the air quality analysis, the greenhouse gas analysis will include a quantification of short-term (i.e., construction) and long-term (i.e., operational) GHG emissions associated with the project. Addressing GHG generation impacts requires an agency to make a determination as to what constitutes a significant impact. The amendments to the CEQA Guidelines specifically allow lead agencies to determine thresholds of significance that illustrate the extent of an impact and are a basis from which to apply mitigation measures. This means that each agency is left to determine if a project’s GHG emissions will have a “significant” impact on the environment. The guidelines direct that agencies are to use “careful judgment” and “make a good-faith effort, based to the extent possible on scientific and factual data, to describe, calculate or estimate” the project’s greenhouse gas emissions (14 CCR Section 15064.4(a)).

Determining a threshold of significance for a project’s climate change impacts poses a special difficulty for lead agencies. Much of the science in this area is new and is evolving constantly. At the same time, neither the state nor local agencies are specialized in this area, and there are currently no local or state thresholds for determining whether the proposed project has a significant impact on climate change. The CEQA Amendments do not prescribe specific significance thresholds but instead leave considerable discretion to lead agencies to develop appropriate thresholds to apply to projects within their jurisdiction.

Since the MBUAPCD is still in the process of threshold development and has not yet formally recommended specific project-level thresholds of significance related to increases of GHGs, projected emissions will also be compared to the San Luis Obispo Air Pollution Control District’s (SLOAPCD) GHG threshold of 1,150 metric tons per year of carbon dioxide equivalents or 4.9 metric tons of carbon dioxide equivalents/the service population (residents + employees)/year. The SLOAPCD threshold will serve as a screening threshold. In the case that project emissions exceed the threshold, the proposed project will be compared to the emissions reductions goals of Assembly Bill

# Work Program

(AB) 32. This is done by comparing the project to the emissions reductions goals of AB 32, which since 2012 equal a GHG emission reduction of 16 percent compared with the absence of new state regulations and project mitigation that reduce such emissions (referred to as business as usual or BAU).

## TASK 2.4: HABITAT MANAGEMENT PLAN ASSESSMENT

With the understanding that the draft Installation-Wide Multispecies Habitat Management Plan for Former Fort Ord (HMP) is a central component to the BRP, Michael Baker's HMP/HCP expert, Joyce Hunting, will provide a qualitative review of the Category 1 and 2 actions to determine whether the goals, objectives, and overall intent of the HMP are in any way affected by the Project Description. This evaluation will build on the East Garrison-Parker Flats land swap assessment (Zander 2002), but will also consider other actions and consistency determinations that have taken place over time. This assessment will be summarized in the Initial Study.

## TASK 2.5: FINAL INITIAL STUDY

Based on FORA staff review of the administrative draft document, we will make modifications and produce a final Initial Study. The Initial Study will include a written analysis and determination for the subsequent CEQA process to move forward. The Initial Study findings, conclusions, and recommendations will be presented to the FORA Board.

## TASK 3: CEQA PROCESS AND DELIVERABLES

**(NOTE: THIS SCOPE AND BUDGET FOR THIS TASK WILL BE DEFERRED UNTIL SUCH TIME THE CEQA DOCUMENT IS DEFINED)**

### TASK 3.1: PREPARATION OF CEQA AND RELATED PROCESS DOCUMENTS

This phase of the work program involves those tasks necessary to prepare and process the necessary CEQA documents prior to FORA Board consideration and codification of changes to the BRP. As stated in our project approach, our detailed scope of work assumes all tasks necessary to process an ND or MND. Scoping a full EIR at this juncture is premature in our opinion, as that ultimate scope—if required—will be dependent upon the findings of the Initial Study to determine where impacts and analysis gaps exist.

This task therefore assumes the following documentation steps:

- Final revisions to the Initial Study, if any.
- Preparation of an administrative draft ND or MND for staff review.
- Preparation of the ND or MND for public review (with Initial Study).
- Notice of Intent to Adopt an ND/MND.
- Notice of Determination.
- Mitigation Monitoring and Reporting Program (if mitigation measures are required).

Following a 30-day public review of the CEQA document, we will review, organize, and respond to all public and agency comments received. All final documents will be presented to the FORA Board.

*Additional CEQA Considerations.* Assuming the Board considers the whole of the Category 1 and 2 changes as a project that will be acted upon, FORA staff and the consultant team should carefully consider if the project approval could create any unforeseen legal or processing hurdles. For example, Mr. Waltner notes that the applicable statute of limitations for both the Seaside General Plan and the East Garrison-Parker Flats land swap consistency determinations has passed. If all of the changes are essentially approved and codified by the Board, the approval may re-position some past actions for challenge with a new timeline.

## **TASK 4: MEETINGS AND PRESENTATIONS**

### **TASK 4.1: MEETINGS AND PRESENTATIONS**

Michael Baker's project manager and/or local principal will attend up to seven meetings as specified by FORA. These meetings include the two interim FORA Board presentations identified in previous tasks, as well as two meetings with the FORA Administrative Committee. The remaining meetings are assumed to be staff-level meetings to address issues, provide updates, and review draft deliverables. Our team will prepare presentation materials for staff review prior to public meetings.



# COST ESTIMATE FOR CEQA REVIEW OF CATEGORIES 1 AND 2 OF THE FORT ORD BASE REUSE PLAN (BRP) FINAL REASSESSMENT REPORT (TASKS 1, 2, 3 AND 4)

Work Program Tasks	Principal	Sr Env Planner (PM)	Tech. Mgr.	Biology HMP Analyst	Assoc Env Planner	AQ/ GHG Analyst	GIS	Tech Editor	Admin	Total Hours	Total Labor	Direct Costs	Total Budget
	\$250	\$185	\$220	\$220	\$120	\$95	\$105	\$85	\$65				
<b>Task 1. Analysis and Determination, Legal Assistance</b>	10	20			5			2		37	\$6,970		\$16,970
1.1 Written Determination	10	20			5			2		37	\$6,970		\$6,970
1.2 Legal Assistance – H&K, LLC													\$10,000
<b>Task 2. Initial Study, Determination, Deliverables Categories 1 and 2</b>	30	70	60	30	115	50	160	9	17	541	\$77,470	\$1,000	\$78,470
2.1 Map Revisions and Project Description	10	20	10		20		160			220	\$27,600	\$500	\$28,100
2.2 Admin Draft Initial Study	15	40	40		80			5	10	190	\$30,625	\$500	\$31,125
2.3 Quantification of Air Quality and GHG Emissions						50		2		52	\$4,920		\$4,920
2.4 HMP Assessment				30				2	2	34	\$6,900		\$6,900
2.5 Final Initial Study	5	10	10		15				5	45	\$7,425		\$7,425
<b>Task 3. CEQA Process and Deliverables</b>	10	20			40					70	\$11,000	\$1,000	\$12,000
3.1 Preparation of CEQA and Related Process Documents	10	20			40					70	\$11,000	\$1,000	\$12,000
<b>Task 4. Meetings and Presentations</b>	50	50			10					110	\$22,950		\$22,950
<b>Costs to Complete Tasks 1, 2 and 4</b>													\$118,390

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GENERAL PROVISIONS

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1. INDEPENDENT CONSULTANT. At all times during the term of this Agreement, CONSULTANT shall be an independent Consultant and shall not be an employee of FORA. FORA shall have the right to control CONSULTANT only insofar as the results of CONSULTANT'S services rendered pursuant to this Agreement.

2. TIME. CONSULTANT shall devote such services pursuant to this Agreement as may be reasonably necessary for satisfactory performance of CONSULTANT'S obligations pursuant to this Agreement. CONSULTANT shall adhere to the Schedule of Activities shown in Exhibit "A".

3. INSURANCE.

a. MOTOR VEHICLE INSURANCE. CONSULTANT shall maintain insurance covering all motor vehicles (including owned and non-owned) used in providing services under this Agreement, with a combined single limit of not less than \$100,000/\$300,000.

4. CONSULTANT NO AGENT. Except as FORA may specify in writing, CONSULTANT shall have no authority, express or implied, to act on behalf of FORA in any capacity whatsoever as an agent. CONSULTANT shall have no authority, express or implied, pursuant to this Agreement, to bind FORA to any obligation whatsoever.

5. ASSIGNMENT PROHIBITED. No party to this Agreement may assign any right or obligation pursuant to this Agreement. Any attempted or purported assignment of any right or obligation pursuant to this Agreement shall be void and of no effect.

6. PERSONNEL. CONSULTANT shall assign only competent personnel to perform services pursuant to this Agreement. In the event that FORA, in its sole discretion, at anytime during the term of this Agreement, desires the removal of any person or persons assigned by CONSULTANT, CONSULTANT shall remove any such person immediately upon receiving notice from FORA of the desire for FORA for the removal of such person or person.

7. STANDARD OF PERFORMANCE. CONSULTANT shall perform all services required pursuant to this Agreement in the manner and according to the standards observed by a competent practitioner of the profession in which CONSULTANT is engaged in the geographical area in which CONSULTANT practices his profession. All products and services of whatsoever nature, which CONSULTANT delivers to FORA pursuant to this Agreement, shall be prepared in a substantial, first-class, and workmanlike manner, and conform to the standards of quality normally observed by a person practicing in CONSULTANT'S profession. FORA shall be the sole judge as to whether the product or services of the CONSULTANT are satisfactory.

8. CANCELLATION OF AGREEMENT. Either party may cancel this Agreement at any time for its convenience, upon written notification. CONSULTANT shall be entitled to receive full payment for all services performed and all costs incurred to the date of receipt entitled to no further compensation for work performed after the date of receipt of written notice to cease work shall become the property of FORA.

9. PRODUCTS OF CONTRACTING. All completed work products of the CONSULTANT, once accepted, shall be the property of FORA. CONSULTANT shall have the right to use the data and products for research and academic purposes.

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

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

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

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

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

# FORT ORD REUSE AUTHORITY BOARD REPORT

## CONSENT AGENDA

**Subject:** Environmental Services Cooperative Agreement Quarterly Update

**Meeting Date:** October 9, 2015

**Agenda Number:** 7c

### INFORMATION

### RECOMMENDATION:

Receive an Environmental Services Cooperative Agreement (ESCA) status report.

### BACKGROUND:

In Spring 2005, the U.S. Army (Army) and the Fort Ord Reuse Authority (FORA) entered negotiations toward an Army-funded Environmental Services Cooperative Agreement (ESCA) for removal of remnant Munitions and Explosives of Concern (MEC) on portions of the former Fort Ord. FORA and the Army entered into a formal ESCA agreement in early 2007. Under the ESCA terms, FORA received 3,340 acres of former Fort Ord land prior to regulatory environmental sign-off and the Army awarded FORA approximately \$98 million to perform the Comprehensive Environmental Response Compensation and Liability Act (CERCLA) munitions cleanup on those parcels. FORA also entered into an Administrative Order on Consent (AOC) with U.S. Environmental Protection Agency (EPA) and California Department of Toxic Substance Control (DTSC) defining contractual conditions under which FORA completes Army remediation obligations for the ESCA parcels. FORA received the "ESCA parcels" after EPA approval and gubernatorial concurrence under a Finding of Suitability for Early Transfer on May 8, 2009.

In order to complete the AOC defined obligations, FORA entered into a Remediation Services Agreement (RSA) with the competitively selected LFR Inc. (now ARCADIS) to provide MEC remediation services and executed a cost-cap insurance policy for this remediation work through American International Group (AIG) to assure financial resources to complete the work and to offer other protections for FORA and its underlying jurisdictions.

The ESCA Remediation Program (RP) has been underway for eight years. Currently, the FORA ESCA RP team has completed the known ESCA RP field work, pending regulatory review.

### DISCUSSION:

The ESCA requires FORA, acting as the Army's contractor, to address safety issues resulting from historic Fort Ord munitions training operations. This allows the FORA ESCA RP team to successfully implement cleanup actions that address three major past concerns: 1) the requirement for yearly appropriation of federal funding that delayed cleanup and necessitated costly mobilization and demobilization expenses; 2) state and federal regulatory questions about protectiveness of previous actions for sensitive uses; and 3) the local jurisdiction, community and FORA's desire to reduce, to the extent possible, risk to individuals accessing the property.

Under the ESCA grant contract with the Army, FORA received approximately \$98 million in grant funds to clear munitions and secure regulatory approval for the former Fort Ord ESCA parcels. FORA subsequently entered into a guaranteed fixed-price contract with ARCADIS to complete the work as defined in the Technical Specifications and Review Statement (TSRS) appended to the ESCA grant contract. As part of the RSA between FORA and ARCADIS, insurance coverage was secured from

AIG for which FORA paid \$82.1 million up front from grant funds. The AIG policy provides a commutation account which holds the funds that AIG uses to pay ARCADIS for the work performed. The AIG coverage also provides for up to \$128 million to address additional work for both known and unknown site conditions, if needed. That assures extra funds are in place to complete the scope of work to the satisfaction of the Regulators. Based on the Army ESCA grant contract, the EPA AOC requirements and AIG insurance coverage provisions, AIG controls the ARCADIS/AIG \$82.1 million commutation account. The full amount was provided to AIG in 2008 as payment for a cost-cap insurance policy where AIG reviews ARCADIS' work performed and makes payments directly to ARCADIS. FORA oversees the work to comply with grant/AOC requirements.

Current status follows:

Item	Revised Allocations	Accrued through June 2015
FORA PLL Self-Insurance/Policy Purchase	\$ 916,056	\$ 916,056
Reimburse Regulators & Quality Assurance	3,280,655	2,703,152
State of California Surplus Lines Tax, Risk Transfer, Mobilization	6,100,000	6,100,000
Contractor's Pollution Liability Insurance	477,344	477,344
Work Performed ARCADIS/AIG Commutation Account	82,117,553	72,389,809
FORA Administrative Fees	4,837,001	3,364,701
<b>Total</b>	<b>\$97,728,609</b>	<b>85,951,062</b>
	<b>Remaining</b>	<b>\$ 11,777,547</b>

Data collected during the ESCA investigation stage remains under regulatory review to determine if remediation is complete. The review and documentation process is dependent on Army and regulatory agency responses and decisions. They will issue written confirmation that CERCLA MEC remediation work is complete (known as regulatory site closure).

On November 25, 2014, EPA signed the Record of Decision (ROD) for the ESCA Group 3 properties located in: County of Monterey (at Laguna Seca), City of Monterey (south of South Boundary Road), Del Rey Oaks (south of South Boundary Road) and Monterey Peninsula College (MPC) (Military Operations in Urban Terrain property). On February 26, 2015, the Regulators signed the ROD for the ESCA Group 2 California State University Monterey Bay property (south of Inter-Garrison Road). These ROD records the EPA, DTSC and Army's decision on the cleanup of these properties and what controls are required to continue to protect the public health and safety.

The process for implementing, operating and maintaining the ROD controls is prescribed under a Land Use Control Implementation, Operation and Maintenance Plan (LUCIP OMP) document. Each ROD will have a corresponding LUCIP OMP developed based on site conditions and historic MEC use. The ESCA team and Regulatory Agencies are working directly with the jurisdiction representatives, through the FORA Administrative Committee, to help them understand and develop their comments to the Group 2 and Group 3 LUCIP OMP documents. LUCIP OMP Workshops have been provided for Administrative Committee member questions and document comment preparation in May and June and July 2015. LUCIP OMP documents are approved by the Regulators before they will issue regulatory site closure.

Until regulatory site closure is received, the ESCA property remains closed to the public. When regulatory site closure is received, FORA will transfer land title to the appropriate jurisdiction. Regulatory approval does not determine end use. Underlying jurisdictions are empowered to impose or limit zoning, decide property density or make related land use decisions in compliance with the FORA Base Reuse Plan.

FORA received regulatory site closure for the County North and Parker Flats Phase 1 ESCA properties. For these properties, ARCADIS commuted ESCA insurance coverage for related clean-up costs for coverage for unknown conditions. Per the existing FORA/Jurisdiction Implementation Agreements (2001) and Memorandum of Agreement (2007) regarding property ownership and responsibilities during the period of environmental services, deeds and access control for these properties has been transferred to the new land owner.

The ESCA team continues to actively monitor biological resources and track restoration activities on ESCA properties. To date, the ESCA RP has provided the stewardship for 3,340 ESCA acres.

On February 19, 2015, ARCADIS announced that it was making a Program Manager staff change. ARCADIS notified the Regulators, Army and AIG shortly thereafter. FORA staff has worked diligently with ARCADIS to complete a Program Manager Transition Plan that covers requirements in the ESCA grant and the FORA/ARCADIS RSA.

**FISCAL IMPACT:**

Reviewed by FORA Controller

The funds for this review and report are part of the existing FORA ESCA funds.

**COORDINATION:**

Administrative Committee; Executive Committee; FORA Authority Counsel; ARCADIS; U.S. Army EPA; and DTSC

Prepared by   
Stan Cook

Approved by   
Michael A. Houlemard, Jr.



FORT ORD REUSE AUTHORITY BOARD REPORT		
CONSENT AGENDA		
<b>Subject:</b>	Ad Hoc Advisory Task Force to Review & Recommend Authority Counsel Requests Policy	
<b>Meeting Date:</b>	October 9, 2015	<b>INFORMATION</b>
<b>Agenda Number:</b>	7d	

### **RECOMMENDATION(S):**

The Fort Ord Reuse Authority (FORA) Board Chairman has requested that Mayor Rubio and Supervisor Phillips join Authority Counsel Jon Giffen and Executive Officer Michael Houlemard to form an Ad Hoc Advisory Task Force to review and develop a policy regarding requests to Authority Counsel for legal opinions and other legal responses.

### **BACKGROUND/DISCUSSION:**

Under the Master Resolution, Article 2.08.030 –Authority Counsel, it states:

*"The Authority Board will appoint Authority Counsel to **serve at the pleasure of the Authority Board**. The Authority Board may appoint additional counsel to assist Authority Counsel or provide special services as may be required by the Authority Board. Authority Counsel attends meetings of the Authority Board and the Executive Committee as required to advise the Authority Board in connection with any legal matters relating to the Authority."* **[emphasis added]**

Over the course of the past several weeks, staff and Authority Counsel have received a number of Board members, Special Interest, FORA Committee, and Public entity requests for a variety of legal opinions and other responses from Authority Counsel. The number of requests for legal opinions and other responses elicits questions of propriety, priority and responsiveness. This Advisory Task Force will review and bring recommendations for a formal Board policy regarding how, if, and when Authority Counsel responds to these requests.

At its September 2, 2015 meeting, the Executive Committee discussed this matter and concluded that a Task Force of an Executive Committee Member and a Board member would be best to address this limited concern. Therefore, Chair O'Connell has asked that Mayor Rubio and Supervisor Phillips join Authority Counsel Jon Giffen and Executive Officer Michael Houlemard to form an Ad Hoc Advisory Task Force. They will review and develop a policy regarding requests to Authority Counsel for legal opinions and other responses. Once they have developed a policy recommendation it will be presented to the FORA Board.

### **FISCAL IMPACT:**

Reviewed by FORA Controller 

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

### **COORDINATION:**

Executive Committee, Authority Counsel, and FORA Staff.

Prepared by

  
Jon Giffen  
Authority Counsel

Approved by

  
Michael A. Houlemard, Jr.

# FORT ORD REUSE AUTHORITY BOARD REPORT

## CONSENT AGENDA

**Subject:** Economic Development Progress Report

**Meeting Date:** October 9, 2015

**Agenda Number:** 7e

### INFORMATION

### RECOMMENDATION(S):

Receive Economic Development (ED) Progress Report.

### BACKGROUND/DISCUSSION:

The 2012 Base Reuse Plan Reassessment process revealed public concern that the employment and other economic goals of the Base Reuse Plan were lagging behind and required attention. In response, staff proposed a new Economic Development Specialist position. The FORA Finance and Executive Committees reviewed the proposal during the FY 14-15 budget process, and the Board approved the position on June 20, 2014. Staff completed a recruitment, but was ultimately unsuccessful in retaining a qualified candidate under the approved terms of employment.

The Board then authorized the Executive Officer to enter into an agreement for service with the Monterey Bay Economic Partnership (MBEP) to provide comparable economic development services, but the agreement was withdrawn. During the March 13, 2015 meeting the Board authorized staff to hire an Economic Development Coordinator. Following a successful recruitment process, FORA Senior Planner Josh Metz assumed new duties as the FORA Economic Development Coordinator, and made an initial presentation to the Board at the July 10 meeting.

Since assuming the new position in July, Mr. Metz has actively engaged a wide variety of stakeholders including FORA jurisdictions, Monterey County Economic Development Department, California State University Monterey Bay (CSUMB) and University of California Santa Cruz, and regional business and financial interests. He has also participated in regional economic development strategic planning processes, represented FORA to internal and external groups, worked with member jurisdictions to energize development projects, and worked with the Executive Officer to refine input and best practices into the following key points building towards a FORA Economic Development Strategic Action Plan:

- **Build on Regional Economic Strengths:** The strategic focus of FORA economic development initiatives is to build on Monterey Bay regional economic strengths including agriculture, tourism/hospitality/recreation, higher education, healthcare and the military mission. An overarching premise is leveraging/connecting former Fort Ord real estate with opportunities arising from institutional/organizational partnerships, emerging businesses, and new communities to enhance economic development/job creation for member jurisdictions and the Monterey Bay region.
- **Engage Internal & External Stakeholders:** FORA plays a unique role as a stakeholder convener on Monterey Bay regional issues. In order to be effective, the FORA Economic Development initiatives must be well integrated with on-going regional and local efforts, and reflect the dynamics of the market at multiple levels. These outcomes will be enhanced through active/ongoing outreach and engagement with key stakeholders, such as the



Monterey County Economic Development Committee, the Monterey County Business Council, CSUMB, MBEP, member jurisdictions, financial institutions, and the regional business community and Chambers of Commerce.

- **Develop and Maintain Information Resources:** Another important component of FORA ED initiatives will be to establish a dynamic information hub to enable community connections and information access. This will be achieved through a combination of local and national datasets and systems to be organized under a single website, and will include curated social media content, links to partner efforts and other information resources for member jurisdictions, interested businesses, and the public. As a major step in this direction, FORA has established an annual use contract with Chumra Economics for the JobsEQ data system. This resource provides depth and breadth of local, regional and national datasets important for site selection and business growth interests.
- **Pursue New Business Opportunities:** As the economy continues to improve increased/renewed interest in development and business opportunities grow. The new Economic Development Coordinator staff position provides a go-to point of contact to respond to inquiries and pursue new opportunities as they emerge. Since July FORA has fielded inquiries from a wholesale building materials supplier looking to establish a west coast hub, wineries looking to expand, and other small businesses looking for new and expanded facilities. While business growth and relocation decisions are dynamic and time consuming to close, being prepared and able to respond effectively to these inquiries is a key value proposition of FORA economic development efforts.
- **Engage with Regional/Partner Efforts:** Critical conversations are underway throughout the region including efforts to enhance/retain the military mission, workforce development, tech ecosystem enhancement, a focus on agtech innovation and entrepreneurship, water supply enhancement, groundwater management, transportation and urban planning. Participation and representation in these conversations with an eye on FORA's economic development interests will improve ensure opportunities are identified and pursued. In addition, engagement with local/national economic development organizations including California Association of Local Economic Development, and International Economic Development Council will increase FORA's visibility and opportunity access.
- **Report Success Metrics:** Clear success metrics will provide the framework to evaluate economic development progress. The annual FORA Jobs Survey will provide the foundation metric, with additional metrics relating to strategic action plan priorities to be included as part of the plan concept and presentation.

Staff is prepared to present a concise ED progress report at the October Board meeting.

#### **FISCAL IMPACT:**

Reviewed by FORA Controller 

Funding for staff time and ED program activities is included in the approved FORA budget.

#### **COORDINATION:**

Administrative and Executive Committees

Prepared by

Josh Metz

Approved by

Michael A. Houlemard, Jr.

# FORT ORD REUSE AUTHORITY BOARD REPORT

## BUSINESS ITEMS

**Subject:** Water Augmentation Program Planning Update

**Meeting Date:** October 9, 2015

**Agenda Number:** 8a

### INFORMATION/ACTION

### RECOMMENDATION(S):

- i. Receive a recycled/reclaimed water planning update (See bubble chart, **Attachment A**).
- ii. Adopt resolution 15-XX to endorse the Pure Water Monterey Groundwater Replenishment Project (**Attachment B**).
- iii. Adopt resolution 15-XX to authorize Fort Ord Reuse Authority (FORA) participation in three-party joint water augmentation planning (**Attachment C**).

### BACKGROUND:

As one of several potential ways ("all of the above") to address future Fort Ord water demand, FORA, Monterey Regional Water Pollution Control Agency (MRWPCA), and Marina Coast Water District (MCWD) staff met a number of times over June, July, August, and September 2015 to support negotiations that would result in a coordinated recycled/reclaimed water project. FORA's participation ensures that FORA's interests are protected. In general terms, each party has certain interests, assets, and infrastructure that make negotiating a written agreement a desirable outcome. MCWD has built a significant portion of its RUWAP recycled trunk line and has certain recycled water rights negotiated previously with MRWPCA. MCWD also has an interest in delivering recycled/reclaimed water to Ord Community customers to meet contract objectives for FORA. MRWPCA is interested in moving its proposed Pure Water Monterey project advance treated water from its regional treatment plant north of Marina to the Seaside Groundwater Basin aquifer to achieve ground water replenishment. An agreement with MCWD to use their pipeline will result in substantial savings to MRWPCA and all parties.

MCWD and MRWPCA can both achieve cost savings by sharing in the cost of building/utilizing the recycled water trunk line infrastructure to serve their projects. FORA is interested in securing augmented water to mitigate its 1997 Base Reuse Plan impacts and serve Ord Community customers. FORA has the additional responsibility to use a \$24 million line item in its Capital Improvement Program as a BRP CEQA mitigation for Fort Ord Water Augmentation. This would be predicated by an agreement being in place that secures FORA's right to augmented water. The overall approach is that FORA, MCWD, and MRWPCA agree to jointly achieve their individual projects by applying collective resources. FORA is further being asked to support this effort by adopting a resolution endorsing the Pure Water Monterey Project.

### DISCUSSION:

#### **Adopt Resolution to Endorse the Pure Water Monterey Project**

In May 2007, the FORA Board allocated 1,427 Acre-Feet per Year (AFY) of recycled water to former Fort Ord land use jurisdictions. Subsequently, MCWD continued to work toward implementing this recycled component of the Regional Urban Water Augmentation Project (RUWAP), which included obtaining pipeline easements from property owners and negotiations with MRWPCA for tertiary treated water. On September 8, 2015, MCWD and MRWPCA tentatively agreed to work together on the Pure Water Monterey Project to provide advanced treated water for recharge water into the Seaside basin and to serve MCWD existing and future recycled water customers as part of the recycled component of the Fort Ord Water

Augmentation Program. MCWD and MRWPCA tentatively agreed to certain principles regarding cost sharing, ownership, operations, maintenance, funding, and completion of work for the Pure Water Monterey Project. Because MRWPCA will submit an application to the state for crucial low-cost financing monies (1% interest rate), it is important that the FORA Board endorse this option that enhances MRWPCA's application. The lower interest rate results in a lower overall cost to ratepayers for this resource. For example, if MRWPCA obtained a \$50 million loan for 50 years, over the loan term, the cost savings from a 1% loan versus a 2% loan would be \$15.6 million dollars.

### **Adopt Resolution to Authorize FORA Joint Water Augmentation Planning**

The MCWD-FORA Water/Wastewater Facilities Agreement designates FORA as the agency (in consultation with MCWD) in charge of planning for future water augmentation facilities. Individual FORA Board members have promoted the concept that FORA evaluate all potential water augmentation options (recycled, conservation, etc.). Staff requests Board authorization to conduct water augmentation planning in collaboration with MCWD and MRWPCA through adoption of a resolution. Adoption of the resolution would:

1. Revise the CIP to allocate \$157,000 in FY 15/16 allowing FORA to participate in joint water augmentation planning with MCWD and MRWPCA;
2. Allow FORA to commit up to 1/3 (approximately \$157,000) to jointly fund the planning process. The total cost of planning will not exceed \$470,000; and
3. Clarify roles. All three agencies provide a portion of funding, participate in consultant selection, and coordinate at the staff level. MCWD manages the consultant contract. Information generated in the planning process will be used to formulate policy recommendations and CIP expenditures that will be brought back to the FORA Board for approval.

### **FISCAL IMPACT:**

Reviewed by FORA Controller 

Staff time for this item is included in the approved FORA budget. If the Board adopts the resolution authorizing FORA participation in three-party joint water augmentation planning, a budget allocation of \$157,000 would be programmed to the FY 15-16 Capital Improvement Program Budget (Water Augmentation line item) to accomplish this activity.

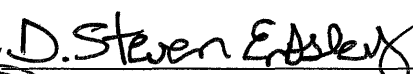
### **COORDINATION:**

MCWD, MRWPCA, Administrative and Executive Committees.

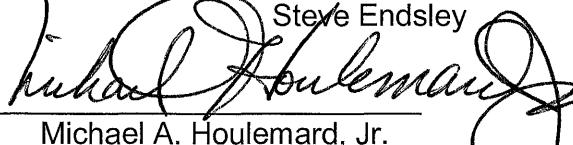
Prepared by

  
Jonathan Garcia

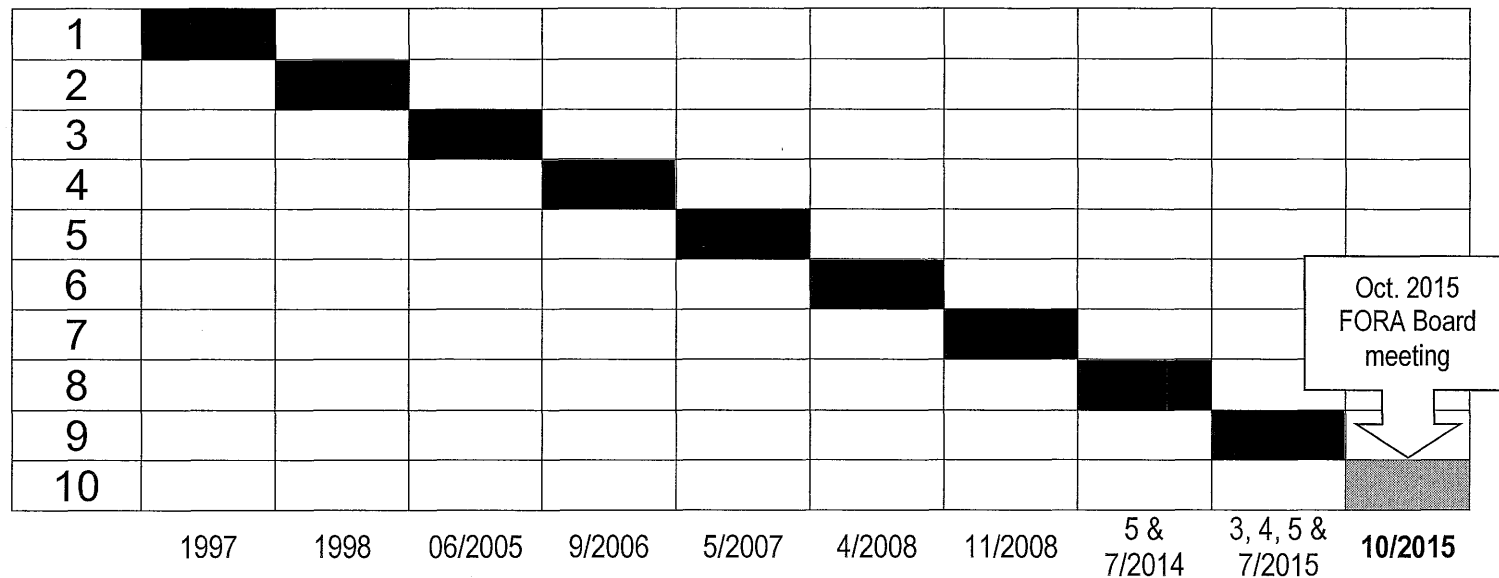
Reviewed by

  
Steve Endsley

Approved by

  
Michael A. Houlemard, Jr.

## Water Augmentation Program Update - Timeline



1. Fort Ord Base Reuse Plan requires 2,400 AFY of augmenting water to mitigate Fort Ord replacement uses
2. FORA and MCWD enter into Water and Wastewater Facilities Agreement, outlining use of recycled, reused or reclaimed water
3. Joint FORA/MCWD Board approval of Regional Urban Water Augmentation Program (RUWAP), 'Hybrid Alternative'
4. MCWD presentation to FORA Board updating RUWAP environmental work and preliminary designs
5. FORA Board adopts Resolution 07-10 allocating 1,427 AFY recycled water to land use jurisdictions
6. FORA Board endorses Regional Plan (Division of Ratepayer Advocates Regional Plenary Oversight Group proposal – Water for Monterey County - congruent with June 2005 RUWAP 'Hybrid Alternative')
7. FORA Board adopts Resolution 08-07 endorsing the Regional Plan (Water for Monterey County Project)
8. MCWD presentations to the FORA Board on water augmentation options and alternatives
9. FORA Board receives presentations on 'all of the above' options, including recycled, desalination and conservation
10. **FORA Board considers resolution to endorse Pure Water Monterey and resolution to authorize Joint Water Planning**

**FORT ORD REUSE AUTHORITY**  
**Resolution 15-xx**

*Resolution of the Fort Ord Reuse Authority Board to endorse the Pure Water Monterey Groundwater Replenishment project.*

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

- A. The 1997 Fort Ord Base Reuse Plan (BRP) identifies the availability of water as a resource constraint and the BRP estimates that an additional 2,400 AFY of water is needed to augment the existing groundwater supply to achieve the permitted development level as reflected in the BRP (Volume 3, figure PFIP 2-7).
- B. FORA transferred ownership of all of the then existing Ord water and sewer facilities to the Marina Coast Water District (MCWD) under the 1998 Water/Wastewater Facilities Agreement (1998 Agreement); title was transferred in 2001.
- C. Under Section 3.2.2 of the 1998 Agreement, FORA has the responsibility to determine, in consultation with MCWD, what additional water and sewer facilities are necessary for MCWD's Ord Community service area in order to meet the Base Reuse Plan requirements, and that, once FORA determines that additional water supply and/or sewer conveyance capacity is needed, under Section 3.2.1, it is MCWD's responsibility to plan, design, and construct such additional water and sewer facilities. Section 7.1.2 requires FORA to insure that MCWD recovers all of its costs for the new facilities and their operation.
- D. In 2002, MCWD, in cooperation with FORA, initiated the Regional Urban Water Augmentation Project (RUWAP) to explore water supply alternatives to provide the additional 2,400 AFY of water supply needed under the BRP.
- E. As a result of an extensive environmental review, FORA and MCWD agreed to adopt a modified Hybrid Alternative, which would provide 1,427 AFY of recycled water to the Ord Community without the need for seasonal storage, and this in turn resulted in the FORA Board adopting Resolution 07-10 (May 2007), which allocated that 1,427 AFY of RUWAP recycled water to its member agencies having land use jurisdiction.
- F. In June 2009, MCWD and the Monterey Regional Water Pollution Control Agency (MRWPCA) entered into a 50-year RUWAP Memorandum of Understanding, in which (a) MRWPCA committed 650 AFY of summer recycled water to MCWD for the Ord Community; (b) MCWD affirmed its separate commitment of 300 AFY of summer recycled water to the Ord Community; and (c) MRWPCA and MCWD committed to supply 477 AFY of recycled water during other months to the Ord Community - for a total of 1,427 AFY.
- G. MCWD continues to work collaboratively with FORA and with the MRWPCA to carry out MCWD's obligation to provide the 1,427 AFY of recycled water for the Ord Community.
- H. On September 8, 2015, MCWD and MRWPCA tentatively agreed to work together on the Pure Water Monterey Project as described in that certain draft Environmental

Impact Report dated April 22, 2015, to provide advanced treated water for recharge water into the Seaside groundwater basin and to serve MCWD existing and future recycled water customers as part of the recycled component of RUWAP.

- I. MCWD and MRWPCA have tentatively agreed to certain principles regarding cost sharing, ownership, operations, maintenance, funding, and completion of work for the Pure Water Monterey Project.
- J. Advanced treated water is better quality water than tertiary treated water and MRWPCA currently estimates that the Pure Water Monterey Project will provide water to the Ord Community that costs less than 50% per acre foot of the cost of the tertiary treated water.
- K. MCWD and MRWPCA are working in good faith towards negotiating a Project Agreement for the Pure Water Monterey Project.
- L. Based on these facts and FORA's position in its CIP report that MCWD is already contractually obligated to provide the recycled water, FORA's approval of changing the recycled water project from tertiary treated recycled water to advanced treated recycled water will clarify FORA's support for the Pure Water Monterey Project.

NOW THEREFORE the Board hereby resolves that:

1. The Pure Water Project is an acceptable option as the recycled component of the Fort Ord Water Augmentation Program.
2. As part of Pure Water Project implementation, the FORA Board will review and consider project component costs and scheduling through annual consideration of the FORA CIP and Ord Community Budgets.

Upon motion by \_\_\_\_\_, seconded by \_\_\_\_\_, the foregoing Resolution was passed on this \_\_\_\_\_ day of \_\_\_\_\_, by the following vote:

AYES:  
NOES:  
ABSTENTIONS:  
ABSENT:

ATTEST:

\_\_\_\_\_  
Mayor Pro Tem Frank O'Connell, Chair

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

**FORT ORD REUSE AUTHORITY**  
**Resolution 15-xx**

*Resolution of the Fort Ord Reuse Authority Board to authorize Fort Ord Reuse Authority participation in three-party joint water augmentation planning.*

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

- A. Pursuant to Section 3.2.2 of the 1998 Water/Wastewater Facilities Agreement ("Facilities Agreement"), the Fort Ord Reuse Authority ("FORA") has determined that new additional facilities capable of delivering 2,400 acre-feet per year ("AFY") of water for the redevelopment of the Fort Ord Community are required; and
- B. Pursuant to Section 3.2.1 of the Facilities Agreement, the Marina Coast Water District ("MCWD") is required to plan, design, and construct the new water facilities; and
- C. Pursuant to Section 7.1.2 of the Facilities Agreement, MCWD must be allowed to recover all of its direct and indirect, short term and long term costs of the new water facilities; and
- D. The FORA and MCWD Board of Directors approved the recycled/desalinated two component recommendation to implement the Fort Ord Water Augmentation Program ("Hybrid Alternative") on June 10, 2005 at a joint meeting of the Boards to provide 2,400 AFY of water for the redevelopment of the Fort Ord Community; and
- E. FORA's adopted Fiscal Year 2015/2016 and 2014/2015 Capital Improvement Program discussion on water augmentation states, "MCWD is still contractually obligated to provide an augmented source for the former Fort Ord as distinct from the Regional Project. The proposed CIP defaults to the prior Board approved 'hybrid' project that MCWD has performed CEQA for and is contractually obligated to implement"; and
- F. MCWD is working collaboratively with FORA and with the Monterey Regional Water Pollution Control Agency ("MRWPCA") to carry out MCWD's contractual obligation to provide 1,427 AFY of recycled water for the Ord Community; and
- G. MCWD Interim General Manager Bill Kocher wrote a July 13, 2015 letter to the FORA Executive Officer providing notice that the MCWD Board determined not to adopt FORA's proposed resolutions and submitted the matters to dispute resolution in accordance with Section 10.1 of the Facilities Agreement
- H. MCWD General Manager Keith Van Der Maaten wrote an August 4, 2015 letter to the FORA Executive Officer accepting FORA's request to do joint planning for the Regional Urban Water Augmentation Project ("RUWAP").
- I. An element of the process is that FORA and MCWD would conduct water augmentation with MRWPCA collaboration to explore water augmentation options

J. General principles to the three-party joint water augmentation planning include:

1. Explore most cost and technically efficient mix of reclaimed (tertiary), advance treatment (pure water); conservation; desal; and other water sources.
2. Emphasize economies of scale that lower the cost burden on ratepayers and end users.
3. MRWPCA, MCWD and FORA would contribute up to \$157,000 each to the planning process, MCWD will lower its planning line item to \$157,000 from \$470,000.
4. FORA Board endorses three-party RUWAP Planning process based on consultation with MRWPCA and MCWD.
5. All agreements on funding, budgeting, CEQA processing, and other deal points will be returned to the three Boards for specific approvals.
6. FORA commits to actively discuss how its mitigation dollars may, in part, be applied to the RUWAP process, at all times subject to specific Board approval.

K. The intended result of the planning study would be to present recommended options to the FORA, MCWD, and MRWPCA Boards to inform them of options and request direction.

NOW THEREFORE the Board hereby resolves that:

1. The Board approves of a planning process designed to provide detailed analysis and a report leading to an "all of the above" approach to satisfying the Fort Ord Water Augmentation Program as an acceptable resolution to the budget dispute.
2. The Board approves revisions to the CIP to move \$157,000 from FY 18/19 to FY 15/16 (**Exhibit A**) for Water Augmentation, allowing FORA to participate in joint water augmentation planning with MCWD and MRWPCA.
3. The Board authorizes the Executive Officer to expend up to \$157,000 (approximately 1/3 of the total costs) to jointly fund the water augmentation planning process. The total cost of planning will not exceed \$470,000 after adding together FORA, MCWD, and MRWPCA's contributions.



4. FORA will provide a portion of funding, participate in consultant selection, and coordinate at the staff level.

Upon motion by \_\_\_\_\_, seconded by \_\_\_\_\_, the foregoing Resolution was passed on this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

DRAFT

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Mayor Pro Tem Frank O'Connell, Chair

ATTEST:

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Michael A. Houlemard, Jr., Secretary

<b>FORT ORD REUSE AUTHORITY BOARD REPORT</b>		
<b>BUSINESS ITEMS</b>		
<b>Subject:</b>	MCWD/FORA Facilities Agreement Dispute Resolution – 2nd Vote	
<b>Meeting Date:</b>	October 9, 2015	<b>INFORMATION/ACTION</b>
<b>Agenda Number:</b>	8b	

### **RECOMMENDATION(S):**

Second Vote: Confirm the agreement resulting from the facilities dispute resolution with the Marina Coast Water District (MCWD) as stated in the August 10th letter. (**Attachment A**)

### **BACKGROUND/DISCUSSION:**

FORA Board members received an update on the dispute resolution process initiated by MCWD and as authorized in the 1998 Water and Wastewater Facilities Agreement (FA). By the delegated authorities provided for in the dispute resolution terms and outlined in the aforementioned agreement, the FORA Executive Officer and MCWD General Manager negotiated a solution within the time frame required by the agreement. This was confirmed by Authority Counsel.

At the September 2015 meeting, Board members requested clarification prior to a second vote to “accept the agreement resulting from the facilities dispute resolution with the Marina Coast Water District (MCWD) as stated in the August 10th letter.” To summarize:

#### **1. Clarify the terms of the dispute resolution between FORA and MCWD.**

The FORA/MCWD dispute resolution terms are in FORA’s July 30 letter to MCWD.

##### Dispute Element 1:

Agree on a Memorandum of Understanding (MOU) between the FORA and MCWD where:

- \$470K line item to be reprogrammed towards a three-party planning process/study equally split between FORA, MCWD, MRWPCA (\$157,000 each) addressing all water augmentation options, known as an ‘All of the Above’ approach.  
(See Item 8a)
- Planning process to include all water augmentation options, with reclamation as the first phase priority; MCWD to forego ‘desal’ only solution.
- MCWD agrees to split the cost of planning with MCRWPCA and FORA to further protect rate payers.

##### Dispute Element 2:

FORA withdraws its objection to the 9% rate increase because:

- MCWD has confirmed that the current Ord Community Budget does not fund prior legal bills. FORA staff review found no evidence of funding for legal or other costs associated with the former regional ‘desal’ project.
- FORA agreed to meet with MCWD and explore ways MCWD might “recover...costs of administration, operation, maintenance and capital improvements to provide adequate system capacity to meet...service demands.” Recommendations resulting from these meetings would return to the FORA Board for consideration.

While MCWD's August 4th response to FORA's July 30 letter may have paraphrased FORA's position, MCWD also explicitly agreed with FORA's terms. FORA's August 10th clarifying letter to MCWD states, "To avoid any misunderstanding, the resolution to the ... disputed elements are as defined in the 7/30/2015 letter." The resolution includes waiving FORA's dispute over the \$470K planning line item, provided that all water augmentation sources are studied, and that a three-party planning process between FORA, MCWD and Monterey Regional Water Pollution Control Agency (MRWPCA) be put in place.

**2. Terms of the agreement between MCWD and MRWPCA.**

This question was brought up in Board discussion. MCWD and MRWPCA have negotiated an agreement between their agencies defining their respective roles and responsibilities in a proposed reclaimed water project. It is not directly relevant to the dispute resolution process. See item 7a for more detail.

**3. Clarity on water augmentation project siting.**

MCWD does not currently plan to site a 'desal' plant that would be in conflict w/ siting of any other project. Several factors make this an unlikely possibility. FORA Board has not endorsed a proposed 'desal' project. MCWD would need funding support to accomplish the actual siting of a 'desal' project. FORA Board has not approved such funding support. To date, MCWD has requested the ability to do contingency planning only; FORA Board has indicated planning must be accomplished in the 'all of the above' approach (**Attachment B**).

**4. Does FORA Board have the authority to deny the rate increase if MCWD followed proper channels?**

MCWD is the lead agency for the Proposition 218 rate increase process; so, no, FORA Board does not have the right to deny the rate increase. However, the FORA Board has authority to deny portions of the MCWD budget provided it gives specific reasons for doing so. MCWD has the right to dispute such denial. Under the dispute resolution/mediation process, denial of the 9% rate increase was not directly tied to specific line items and reasons for the denial. Without a dispute resolution the denial is likely to have fallen to an arbitrator/mediator/judge to decide.

On September 11, 2015 the FORA Board voted to confirm the dispute resolution agreed to by the Executive Officer (EO) and the MCWD General Manager under the Facilities Agreement terms. Authority counsel has opined that "a 'No' vote does not reverse the decision made by the EO, but registers dissatisfaction with the resolution." The Board may wish to state its policy desires regarding future dispute resolution under the FA contract. For example, the Board could instruct staff to:

- Always bring decision back to the Board for approval regardless of the steps included in the Facilities Agreement, and/or
- initiate negotiation with MCWD to amend the terms of the FA, and/or
- Inform Chair and Executive Committee immediately whenever dispute resolution provisions are invoked and keep them apprised throughout the process, and/or
- Always default to mediation when the dispute resolution process is invoked, or
- Give discretion to EO to resolve disputes as the Facilities Agreement provides for, with full accounting delivered to the next available Board Meeting.
- Or any combination thereof.

**FISCAL IMPACT:**

Reviewed by FORA Controller 

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

**COORDINATION:**

Authority Counsel

Prepared by 

Peter Said

Reviewed by 

Steve Endsley

Approved by 

Michael A. Houlemard, Jr.



## FORT ORD REUSE AUTH

920 2nd Avenue, Suite A, Marina, CA 93933

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Attachment A to Item 8b  
FORA Board Meeting, 10/9/15

August 10, 2015

Keith Van Der Maaten, General Manager  
Marina Coast Water District  
11 Reservation Road  
Marina, CA 93933

RE: Dispute Resolution

Dear Mr. Van Der Maaten,

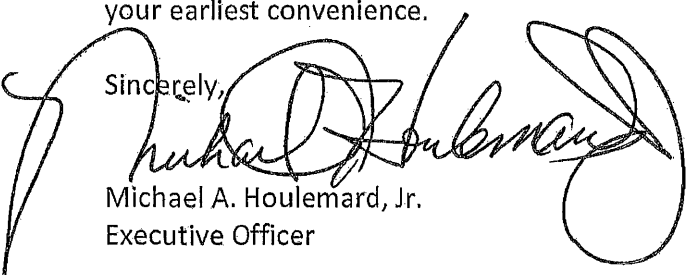
Thank you for your August 4, 2015 letter accepting the Fort Ord Reuse Authority's (FORA's) proposed dispute resolution dated July 30, 2015. To avoid any misunderstanding, the resolution to the FY 2015/16 Ord Community Budget Disputed Elements 1 & 2 are as defined in the 7/30/2015 letter (*attached*).

FORA looks forward to working with Marina Coast Water District (MCWD) on the Regional Urban Water Augmentation Program (RUWAP) components, including an in-depth study of recycled water, conservation, desalinated water and other water augmentation sources. As stated in the June 17, 2015 FORA response to the MCWD FY 2015/16 Proposed Ord Community Budget, the FORA Board is "concerned that the 9% rate increase and the \$470,000 for 10% design of the RUWAP desalination project may be unduly burdensome for ratepayers." Therefore, as a part of the proposed three-party planning process outlined in our July 30, 2015 letter between FORA, MCWD and Monterey Regional Water Pollution Control Agency, FORA proposes that the three agencies share the planning costs previously earmarked to MCWD's \$470,000 line item, reducing exposure to the ratepayers, and explore other cost-reducing measures with the same end in mind.

Once this study is concluded, it is our intention to bring water augmentation program recommendations to the FORA Board for direction/approval. Please contact FORA Assistant Executive Officer Steve Endsley to schedule a FORA-MCWD staff coordination meeting on this matter. To keep and build trust in our joint efforts to serve the Ord Community and provide an augmented water source to the former Fort Ord, our continued cooperation is essential.

It is gratifying that through our joint efforts, the dispute resolution has been completed in a timely manner. Again, thank you for your letter and we look forward to further productive meetings at your earliest convenience.

Sincerely,



Michael A. Houlemard, Jr.  
Executive Officer

C: FORA Board of Directors



## FORT ORD REUSE AUTHORITY

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

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

July 30, 2015

Bill Kocher, Interim General Manager  
Marina Coast Water District  
11 Reservation Road  
Marina, CA 93933

**RE: Dispute Resolution Procedure**

Dear Mr. Kocher,

The Fort Ord Reuse Authority (FORA) is in receipt of your July 13<sup>th</sup> Notice of Dispute under the FORA/Marina Coast Water District (MCWD) 1998 Water and Wastewater Facilities Agreement (Agreement). Subsequent to this letter, you and I met on Monday, July 20<sup>th</sup>, which initiated the Dispute Resolution Procedure outlined in Article 10.1 of the Agreement. The Agreement states that if the Agreement Administrators cannot resolve the dispute within ten working days (by August 3<sup>rd</sup>), they shall meet and confer together with the FORA Water/Wastewater Oversight Committee (WWOC). If the dispute is not resolved within *another ten working days* (by August 17<sup>th</sup>), they shall meet and confer with one FORA and one MCWD voting Board member. If the dispute is not resolved within *another ten working days* (by August 31<sup>st</sup>), the parties shall mediate the dispute at the earliest possible date (the mediator list is Exhibit C to the Agreement). Then, if the dispute is still not resolved, the parties may pursue any and all remedies available to them at law and equity...

FORA proposes the following resolution to the points made in your July 13, 2015 letter:

Disputed Element 1: FORA accepts MCWD's representation that it is "pursuing recycled water, water conservation, and desalinated water augmentation options." This statement satisfies the FORA-Board's stated desire for "all water augmentation options (recycled, conservation, other)" to be pursued. FORA would like to participate in a three-party planning process with MCWD and Monterey Regional Water Pollution Control Agency to come to agreement on a Memorandum of Understanding regarding the reclaimed component first, followed by establishment of a planning process to study and address all other options. To aid this planning process, FORA would give up its objection to the \$470,000 in question being included in the FY 2015/16 Ord Community budget document.

Disputed Element 2: FORA accepts MCWD's statement that "the proposed new water rates will not go into effect until January 1, 2016". FORA does not accept MCWD's statement that the FORA Board endorsement of the prior Regional Desalination Project constituted an open ended commitment to that now failed project nor does it accept that "the current FORA Board cannot disallow litigation costs incurred to protect MCWD's rights under the RDP agreements." FORA proposes that as the new rates do not come into effect until January 1, 2016, time remains for FORA and MCWD to include this issue as one of the items for discussion in the planning process proposed under resolution for Disputed Element 1 and a cooperative effort be made by our two agencies to explore ways in which MCWD might be made

whole for expenditures made toward pursuit of the Regional Urban Water Augmentation Project and to "recover...costs of administration, operation, maintenance and capital improvements to provide adequate system capacity to meet...service demands." FORA continues to object to MCWD funding costs of litigation regarding the prior RDP out of the Ord cost center but accepts MCWD's assertion that the current year budget in question does not include direct legal expenditures of this nature and can therefore withdraw its objection to the 9% rate increase should the planning process noted above include this issue for further discussion and problem-solving.

As for point 4 noted in your letter, FORA notes that the dispute resolution process and the right to deem a budget adopted are mutually exclusive and hereby propose that MCWD allow the dispute resolution process to conclude before deeming the disputed elements approved.

Thank you for the opportunity to comment and we look forward to further meetings at your earliest convenience.

Sincerely,

A handwritten signature in dark ink, appearing to read "D. Stern Enders for".

Michael A. Houlemard, Jr.  
Executive Officer

Some concerns have arisen regarding the MCWD-FORA Dispute Resolution Procedure. Below are a summary of concerns and draft FORA staff responses.

1. FORA's letter of July 30th states "FORA would give up its objection to the \$470,000 in question being included in the... budget." This term was accepted by MCWD in its August 4th letter, and MCWD voted to accept this term. The question of how the water district can spend that money appears unclear to some. The July 30th letter reflects an agreement to initiate a planning process but it is unclear about whether MCWD may or may not spend a portion of the \$470K on desal planning.

**Response:** In FORA's June 8, 2015 Board motion and June 17, 2015 letter to MCWD, the stated reason for the dispute of the \$470,000 capital reserve line item (25b-2) for 10% design of the Regional Urban Water Augmentation Project (RUWAP) desalination plant project was: "RUWAP desalination project planning needs to include all water augmentation options (recycled, conservation, other)." The Board motion did not include direction about desalination plant siting. However, MCWD is acutely aware of many FORA Board members' stated opposition to any MCWD desalination plant planning that would affect the viability of CalAm's planned desalination plant. Should MCWD conduct desalination plant planning in a manner that negatively affects any party, the FORA Board has the ability to respond and restrict future Ord Community budget allocations to such a project.

MCWD would need the Fort Ord customer base to support any future desalination plant. This means that MCWD would need to coordinate with FORA on potential desalination plant planning. Further, it is unlikely that MCWD would proceed given the FORA Board's objection and such action requires FORA funds. These funds have continuously been designated by FORA to the hybrid RUWAP format. FORA had a right to deny the \$470K in planning funds, but only for demonstrated reasons, which FORA delineated but MCWD disputed and invoked the dispute resolution procedure. This process does not provide for FORA Board approval of resolution of the dispute, but rather has a specific iterative formula that must be accomplished in ten-day intervals (Chief Executives meet and confer; WWOC considers; one member from each Board meet and confer; arbitration.) Otherwise, FORA runs afoul of both the overall 90-day and specific 10-day deadlines. In that case, MCWD would likely invoke their right to approve the budget by fiat because FORA Board did not act in a timely manner. Rather than becoming embroiled in extended litigation over planning funds, the Executive Officer ended the dispute under favorable terms to FORA. MCWD has agreed to use the 'all of the above' approach the Board desires. They and MRWPCA have agreed to share planning costs with FORA which will lower overall costs and protect rate payers, another stated issue of concern to Board members.

2. FORA's July 30th letter says "FORA proposes that as the new rates do not come into effect until January 1, 2016, time remains for FORA and MCWD to include this issue as one of the items for discussion in the planning process . . ." The letter goes on to state FORA "can therefore withdraw its objection to the 9% rate increase should the planning process noted above include this issue for further



discussion and problem-solving.” In the August 4th letter, MCWD affirms its understanding that “FORA withdraws its objection to the 9% water increase.” The questions being asked about this are essentially, on what authority did the Executive Officer resolve the dispute over the 9% rate increase, and why?

**Response:** In general, the same procedure for Dispute Resolution holds, as described in #1 above, designating the Executive Officer with the responsibility to achieve resolution of the dispute in a 10-day period. Specifically, in FORA’s June 8, 2015 Board motion and June 17, 2015 letter to MCWD, the stated reason for the dispute was: “a portion of the 9% rate increase appears to provide Ord Community funding for litigation related to the failed regional desalination project and/or further desalination planning outside of current FORA Board direction.” There also were comments of concern regarding the effect of such a rate increase on the rate payers.

In short, FORA had a weak case to deny the entire 9% rate increase because few specific line items of concern were identified and the result damages MCWD’s ability to operate and perform non-disputed capital improvements. This was noted in the June 12, 2015 staff report. Authority Counsel indicated that a vaguely expressed desire to protect ratepayers, appropriate and well-meaning as it is, or suspicion that MCWD will use the rate increase to fund future litigation, has not been substantiated. When MCWD invoked Dispute Resolution, it flagged these very points. FORA’s denying the entire rate increase (which already went through the Proposition 218 process two years ago) was unlikely to prevail with either an arbitrator or judge. MCWD has recognized the need for a three-party cooperative planning process with MRWPCA and FORA. MCWD re-designed their planning process accordingly to accommodate the hybrid approach and the three agency staffs have been meeting on a regular basis.

3. The August 4th letter says “FORA agrees to explore ways MCWD might be made whole for expenditures by MCWD pursuant to MCWD’s RUWAP obligations and recover MCWD’s costs to meet service demands and Regional Desalination Project litigation costs.” The basic question being posed is if the FORA Board made it clear that MCWD not spend money on litigation costs, why was this provision agreed to?

**Response:** Staff notes that the 9% rate increase allows MCWD to replenish reserves, fund its capital projects, and balance its operations, but not to fund litigation costs. FORA reiterated throughout and confirmed in its August 10<sup>th</sup> letter that MCWD is not to make direct expenditures from the current Ord operating budget to further legal actions that the FORA board wants settled. The fact remains, that MCWD has incurred costs processing the RUWAP and so called Regional Desalination Project. MCWD has demonstrated that they are not funding litigation through the current operating budget, but they have also made clear they want an opportunity ‘to be made whole.’

It is not unreasonable to engage in a structured discussion with MCWD about which expenditures were related to the general RUWAP, which related to

processing of regional desal, and which relate to legal expenditures FORA expressly did not authorize. All this provision does is agree to talk with MCWD over the coming months about this and pose settlement options that might be to the benefit of all, while not posing an impediment to the Cal-Am project, and allows MCWD to continue to recover the regular and customary costs of running a water and sewer district.

If MCWD does not solve this issue, there is fear the cost will be borne by Ord Community rate payers. One reason the Executive Officer agreed to talk to MCWD about cost recovery is because the direct way to protect rate payers is by programming prior expenditures to RUWAP to achieve the intended result of a cost effective, viable reclaimed project not in conflict with the Peninsula/Cal-Am project. That allows for valid cost recovery options and might even allow MCWD to settle litigation in such a way that all parties are satisfied. FORA is already developing a planning process for such a recycled water project in cooperation with MCWD and MRWPCA and will provide more details to the Board as progress continues to be made. Any other approach may block FORA's access to recycled water or other sources should projects be delayed.

It is staff and Authority Counsel's belief that the admittedly cumbersome process of dispute resolution, as outlined in the Facilities Agreement, has been followed to the letter, that an effort has been made to reflect stated Board member opinions, and to brief and update the Administrative and Executive Committees in the midst of specific deadlines mandated by the process.

FORT ORD REUSE AUTHORITY BOARD REPORT		
BUSINESS ITEMS		
<b>Subject:</b>	Fort Ord Reuse Authority Prevailing Wage Program	
<b>Meeting Date:</b>	October 9, 2015	<b>INFORMATION/ACTION</b>
<b>Agenda Number:</b>	8c	

**RECOMMENDATION(S):**

- I. Approve a Fort Ord Reuse Authority ("FORA") Master Resolution Amendment (**Attachment A**) requiring contractors to register with California Department of Industrial Relations ("DIR"); and,
- II. Authorize staff to establish a list of on call qualified labor compliance monitoring providers (**Attachment B**).

**BACKGROUND/DISCUSSION:**

In June 2014, the California legislature passed SB 854 establishing a requirement for contractors and subcontractors involved in or bidding on public works projects (or other projects as may be determined by the Labor Commissioner) to register with the California Department of Industrial Relations (DIR). SB 854 was passed also as a means to fund the DIR to perform monitoring and enforcement of prevailing wage laws and is codified in CA Labor Code Section 1725.5. The new law requires online registration, fee payment, agencies to file notices of their public works projects with DIR, and contractors and subcontractors to submit certified payroll records to DIR. The requirement also mandates that registering contractors and subcontractors have no record of delinquent unpaid wages or penalty assessments.

At its April 10, 2015 meeting, the Board requested staff to pursue DIR determination that FORA projects comply with SB 854. While DIR is still reviewing this request, enforcement complaints and concerns continue to be received both by FORA and DIR regarding the former Fort Ord Prevailing Wage enforcement. In a June telephone conference call between FORA staff and DIR Deputy Commissioner Eric Rood and DIR Legal Counsel, it was suggested FORA consider language to all of Construction Solicitation documents requiring respondents to register with DIR as required by SB 854. This registration requirement require FORA Master Resolution amendment.

At the September 11, 2015 meeting, the Board requested staff to 1) provide a FORA Master Resolution amendment to require former Fort Ord contractors and subcontractors to register with DIR and 2) research developing a list of qualified labor compliance service providers to assist contractors and jurisdictions in complying with FORA's prevailing wage requirements.

- 1) The Fort Ord Reuse Authority ("FORA") Master Resolution ("MR") was adopted originally by ordinance # 97-01 to establish the "governing code" by which FORA's operation of its powers and authority would be deployed in the Monterey Bay Region's recovery from Fort Ord closure. The MR formally adopted definitive direction and operational authority for the business of FORA consistent with California Law under the Authority Act. It was anticipated when it was adopted that the MR would be amended to account for required CA Law changes and or provisions that alter the operational requirements or at the decision of the

Authority Board that are consistent with the Authority Act. In this regard, we have attached a draft resolution modifying the Master Resolution to require DIR registration.

- 2) After the Board directed staff to research and develop a list of qualified labor compliance service providers to assist contractors and jurisdictions in complying with FORA's prevailing wage requirements – staff contacted other jurisdictions to determine their method of handling prevailing wage. In those contacts, staff was informed that the County of Monterey developed a list of qualified service providers as the result of Request for Qualifications #10422 in 2013 (**Attachment B**). Staff confirmed with Nick Nichols County's current use of this list.

Staff recommends adopting the list of labor compliance vendors and an adjustment to the Master Resolution that would address this request of the Board.

**FISCAL IMPACT:**

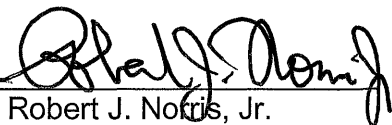
Reviewed by FORA Controller 

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

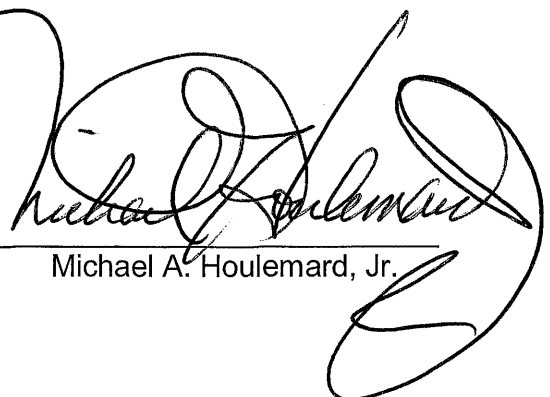
**COORDINATION:**

Authority Counsel, FORA Staff.

Prepared by

  
Robert J. Norris, Jr.

Approved by

  
Michael A. Houlemard, Jr.

RESOLUTION NO. 15-\_\_

**A RESOLUTION OF THE GOVERNING BODY OF THE FORT ORD REUSE AUTHORITY AMENDMENT  
TO MASTER RESOLUTION SECTION 3.03.090 (b)(c) PREVAILING WAGE AND REGISTRATION  
REQUIREMENT WITH DEPARTMENT OF INDUSTRIAL RELATIONS**

WHEREAS, the Fort Ord Reuse Authority ("FORA") has adopted an amendment to the Master Resolution requiring the payment of Prevailing wage on former Fort Ord projects; and,

WHEREAS, the FORA Board of Directors ("Board"), at its September 11, 2015 meeting, authorized the inclusion of a requirement that all contractors and subcontractors on the former Fort Ord registered with the California Department of Industrial Relations (DIR) as specified by the California Labor Code 1725.5,

WHEREAS, the FORA Board intends this requirement to take effect from and after adoption of this Resolution.

**NOW, THEREFORE, BE IT RESOLVED** that the governing body of the Fort Ord Reuse Authority hereby adopts the amendments to its Master Resolution 3.03.090 adding amendments (a)(b)(c)(d) requiring registration with the California Department of Industrial Relations.

*(a) All contractors performing "First Generation Construction" must be registered and in good standing with the California Department of Industrial Relations (DIR) as defined in CA Labor Code section 1725.5 [with limited exceptions from this requirement for bid purposes only under Labor Code section 1771.1(a).*

*(b) Evidence of compliance with this Master Resolution provision and any specific or additional enforcement action must be submitted to the Fort Ord Reuse Authority when any land use decision is submitted for Base Reuse Plan consistency concurrence/determination.*

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

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

**ADOPTED** this \_\_\_\_ th day of October, 2015 by the Fort Ord Reuse Authority by the following roll call votes listed by name:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

ATTEST:

APPROVED:

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

\_\_\_\_\_  
Frank O'Connell, FORA Board Chair

	AGENCY/FIRM	CONTACT NAME	EMAIL ADDRESS
1	Contractor Compliance and Monitoring, Inc.	Deborah E.G. Wilder	<a href="mailto:Dwilder@ccmilp.com">Dwilder@ccmilp.com</a>
2	Pacific Resources Services	Benjamin Ocasio	<a href="mailto:Bocasio@pacificresourceservices.com">Bocasio@pacificresourceservices.com</a>
3	RGM & Associates	Susan Kettlewell	<a href="mailto:SusanM@RGMassociates.com">SusanM@RGMassociates.com</a>
4	Labor Consultants of California	Richard Perez	<a href="mailto:LaborC@cnetech.com">LaborC@cnetech.com</a>
5	The Labor Compliance Monitors	Lindley Robertson	<a href="mailto:RLindaly@yahoo.com">RLindaly@yahoo.com</a>
6			
7			

# FORT ORD REUSE AUTHORITY BOARD REPORT

## BUSINESS ITEMS

**Subject:** Caretaker Costs Policy

**Meeting Date:** October 9, 2015

**Agenda Number:** 8d

**INFORMATION/ACTION**

### RECOMMENDATION:

Approve the Fort Ord Reuse Authority (FORA) Capital Improvement Program (CIP) Caretaker Cost Policy (**Attachment A**).

### BACKGROUND/DISCUSSION:

During the current CIP approval, FORA land use jurisdictions requested that FORA clarify its policy regarding eligibility and reimbursement of caretaker costs incurred by jurisdictions. If approved, the new caretaker costs policy would replace the July 18, 2012 Caretaker Costs memorandum included in the FORA FY 15/16 CIP as Appendix D. That memo provided background information on Caretaker/Property Management Costs on the former Fort Ord, outlined prior caretaker agreements between the U.S. Army and land use jurisdictions, and described examples of tasks that land use jurisdictions could define as costs incurred through caretaker or property management work. The new draft policy and its worksheet are attached to this report.

### FISCAL IMPACT:

Reviewed by FORA Controller 

Funding for caretaker costs incurred by jurisdictions is included in the approved CIP budget.

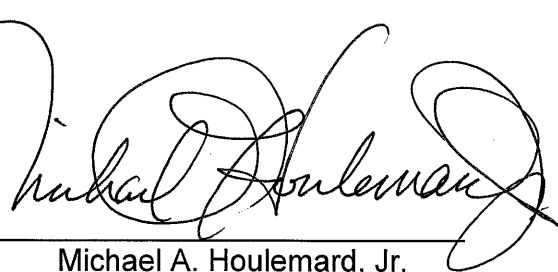
### COORDINATION:

Administrative Committee, Executive Committee

Prepared by

  
Jonathan Garcia

Approved by

  
Michael A. Houlemard, Jr.



# FORT ORD REUSE AUTHORITY

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

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

## Jurisdiction-Incurred Caretaker Costs Reimbursement Policy

Caretaker costs were first described in the Fiscal Year (FY) 01/02 FORA Capital Improvement Program (CIP) as: "Costs associated with potential delays in redevelopment and represent interim capital costs associated with property maintenance prior to transfer for development."

FORA Assessment District Counsel opined that FORA Community Facilities District Special Tax payments cannot fund caretaker costs. For this reason, caretaker costs would be funded through FORA's 50% share of land sale proceeds on former Fort Ord, any reimbursements to those fund balances, or other designated resources.

As a result of the FY 11/12 and FY 12/13 Phase II CIP Review analysis prepared by Economic & Planning Systems, Inc., FORA agreed to reimburse its five member jurisdictions (County of Monterey and Cities of Seaside, Marina, Del Rey Oaks, and Monterey) for these expenses based on past experience, provided sufficient land sale revenue is available and jurisdictions are able to demonstrate property management/caretaker costs. Based on previous agreements between the U.S Army and the City of Marina, City of Seaside and County of Monterey, *examples* of caretaker costs include the following: tree trimming, mowing, pavement patching, centerline/stenciling, barricades, traffic signs, catch basin/storm drain maintenance, vacant buildings, vegetation control/spraying, paving/slurry seal, and administration (10% of total costs).

For clarification purposes, FY 15/16 caretaker costs funding is limited to the amount listed in the FORA FY 15/16 CIP (Table 5 – Land Sales Revenue), which is \$150,000. Future FORA annual CIP's will establish caretaker costs reimbursement funding as described in the next paragraph.

For implementation, this policy clarifies that FORA funding for caretaker costs shall be determined by allocating a maximum of \$500,000 in the prior fiscal year's property taxes collected and designated to the FORA CIP. For example, if \$525,000 in property taxes is collected and designated to the FORA CIP during FY 15/16, then FORA will program a maximum of \$500,000 for the five member jurisdictions' eligible caretaker costs. Each subsequent year, the maximum funding for caretaker costs may be decreased assuming that, as land transfers from jurisdictions to third-party developers, jurisdictions' caretaker costs will decrease. If FORA does not collect and designate to the CIP sufficient property taxes in a given fiscal year to fund the maximum amount of caretaker costs allowed that fiscal year, the actual amount of property taxes collected and designated to the CIP during the fiscal year shall be used to determine the amount of caretaker costs funding. FORA shall set caretaker costs funding through the approved FORA CIP.



For a member jurisdiction to be eligible for caretaker costs reimbursement:

- 1) Costs must be described using the Caretaker Costs Worksheet (**Exhibit A**) and submitted to FORA by January 31 (1<sup>st</sup> deadline) and March 31 (2<sup>nd</sup> deadline) of each year;
- 2) FORA staff must provide a written response within 30 days denying or authorizing, in part or in whole, the Caretaker Costs Worksheet in advance of the expenditure. FORA may request additional information from the member jurisdiction within 15 days of receiving the Caretaker Costs Worksheet. FORA shall provide reasons for caretaker costs reimbursement denial in its written response;
- 3) Eligible costs must be within the total amount approved in the current CIP, which shall be divided into five equal amounts, one for each of the five member jurisdictions. For example, if FORA is able to allocate \$100,000 in caretaker costs in a fiscal year, each jurisdiction shall have the ability to request up to \$20,000 in caretaker cost reimbursements. If a member jurisdiction does not submit a Caretaker Costs Worksheet to FORA by January 31 of each year, it forfeits its caretaker costs allocation for the fiscal year. Such unallocated dollars shall be available through March 31 (2<sup>nd</sup> deadline) (see #1 above) to the jurisdictions who submitted Caretaker Costs Worksheets to FORA by January 31; and
- 4) FORA staff must verify completion of caretaker costs work items through site visits prior to work initiation and after work completion.

FORA shall establish an emergency set aside of up to \$75,000 in the FY 16/17 CIP budget for urgent and unforeseen caretaker costs. The process for requesting these funds shall be the same as described above except there will not be a deadline for submitting the request.



# FORT ORD REUSE AUTHORITY CARETAKER COST WORKSHEET

Date: \_\_\_\_\_

Jurisdiction: \_\_\_\_\_

Point of Contact: \_\_\_\_\_

Contact number/email: \_\_\_\_\_

*Please answer the following questions and submit to the Fort Ord Reuse Authority for a determination of eligibility for caretaker cost reimbursement:*

1. Is the property where the Caretaker Costs are planned owned by the jurisdiction?

- ☐ Yes
- ☐ No

2. What is/are the Army Corps of Engineers parcel number(s)? \_\_\_\_\_

3. Check all Caretaker Cost work item categories that apply to the current request:

- ☐ Tree trimming
- ☐ Mowing
- ☐ Pavement patching
- ☐ Centerline/stenciling
- ☐ Barricades
- ☐ Traffic signs
- ☐ Catch basins/storm drain maintenance
- ☐ Barriers to vacant buildings
- ☐ Vegetation control/spraying
- ☐ Paving/slurry seal
- ☐ Administration (up to 10% of total costs)
- ☐ Other: \_\_\_\_\_

4. Provide a specific description of the proposed Caretaker Cost work:

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5. Provide a description of potential benefit from completion of Caretaker work items (such as improved public health, public safety, reduced fire risk, etc.):

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6. Provide a detailed budget of proposed Caretaker Costs with estimated costs (if caretaker work is approved for reimbursement, FORA staff will use this budget to verify work completion and issue reimbursements):

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# FORT ORD REUSE AUTHORITY BOARD REPORT

## EXECUTIVE OFFICER'S REPORT

**Subject:** FY 2014/15 Annual Report

**Meeting Date:** October 9, 2015

**Agenda Number:** 10a

**INFORMATION**

### **RECOMMENDATIONS:**

Receive the Fiscal Year 2014/15 Fort Ord Reuse Authority Annual Report.

### **BACKGROUND/DISCUSSION:**

Fort Ord Reuse Authority (FORA) staff provides annual project and activity updates to the FORA Board of Directors, local and regional jurisdictions, legislative offices, community members and local business leadership regarding reuse progress. The full-length annual report is accessible from the FORA website from the link provided below:

<http://fora.org/Reports/AR/AnnualReport2015-Full.pdf>

### **FISCAL IMPACT:**

Reviewed by FORA Controller 

Printing costs and staff time for this item are included in the approved FORA budget.

### **COORDINATION:**

FORA Staff

Prepared by 

Jen Simon

Approved by 

Michael A. Houlihan, Jr.

# FORT ORD REUSE AUTHORITY BOARD REPORT

## EXECUTIVE OFFICER'S REPORT

**Subject:** Outstanding Receivables

**Meeting Date:** October 9, 2015

**Agenda Number:** 10b

**INFORMATION**

### **RECOMMENDATIONS:**

Receive a Fort Ord Reuse Authority (FORA) outstanding receivables update for September 2015.

### **BACKGROUND/DISCUSSION:**

FORA Late Fee policy requires receivables older than 90 days be reported to the Board.

#### **City of Marina (Marina)/Preston Park update:**

After several years of negotiations, in November 2014, Marina and FORA agreed to settle pending litigation by Marina acquiring FORA's interest in Preston Park. In April 2015, FORA and Marina finalized settlement agreement terms. On September 15, 2015, Marina purchased FORA's 50% interest in Preston Park for \$35 million. As a result of the sale, FORA conveyed ownership of the property to Marina and paid from its share of the net sales proceeds the \$18 million loan secured by Preston Park which was used to fund capital projects and building removal activities on the former Fort Ord. With the remaining sales proceeds, FORA will pay for attorney's fees owed to Rabobank, set aside \$2.08 million to environmental mitigations owed by developer fees from the project, and set aside funds to pay for building removal and other FORA obligations per the approved FORA budget.

- ❖ **Residual Actions:** Final accounting of operations income and expenses as of the closing date and processing reconciling distribution to FORA and Marina. This to be completed by the end of this calendar year.

### **FISCAL IMPACT:**

Positive. FORA collects land sale revenue, retires debt, and allocates funds to obligations and projects per approved FY 15-16 budget.

### **COORDINATION:**

Executive Committee

Prepared by

Ivana Bednarik

Approved by

Michael A. Houlemard, Jr.

# FORT ORD REUSE AUTHORITY BOARD REPORT

## EXECUTIVE OFFICER'S REPORT

**Subject:** Habitat Conservation Plan Update

**Meeting Date:** October 9, 2015

**Agenda Number:** 10c

### INFORMATION

#### **RECOMMENDATION(S):**

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

#### **BACKGROUND/DISCUSSION:**


Item 9b from March 13, 2015 included additional background on this item and is available at the following website: <http://www.fora.org/Board/2015/Package/031315BrdPacket.pdf>

The Fort Ord Reuse Authority (FORA), with the support of its member jurisdictions and ICF International (formerly Jones & Stokes), FORA's HCP consultant, is on a path to receive approval of a completed base wide HCP and 2081 permit in 2015, concluding with U.S. Fish and Wildlife Service (USFWS) and California Department of Fish and Wildlife (CDFW) issuing federal and state Incidental Take Permits.

ICF completed the screen check draft HCP on March 2, 2015, and FORA disseminated the draft to permittees, CDFW, and USFWS. FORA received comments from most Permittees within the review schedule. However, CDFW and USFWS have not submitted all comments within this original 90-day review schedule. FORA and ICF have met with Permittees and Wildlife Agencies to receive comments, address questions, and resolve concerns. FORA staff and consultants are working to revise the HCP document in response to comments received so that the public draft can be released.

FORA requested that USFWS and CDFW provide sufficient staff resources to complete concurrent reviews of both the Draft HCP and its Draft Environmental Impact Report/Environmental Impact Statement (EIR/EIS). Wildlife agencies informed FORA that they did not have sufficient staff resources to complete concurrent document reviews. FORA is Lead Agency to the EIR, while USFWS is Lead Agency to the EIS. FORA representatives met with CDFW Chief Deputy Director Kevin Hunting on June 16, 2015 to discuss review schedules and CDFW staff resources. Mr. Hunting said that his department would act to provide sufficient CDFW staff resources and maintain review schedules. CDFW recently assigned Acting Regional Manager Julie Vance as FORA's primary point of contact. Ms. Vance will manage CDFW's review of the Administrative Draft EIR/EIS, scheduled to conclude by October 30, 2015.

#### **FISCAL IMPACT:**

Reviewed by FORA Controller 

Staff time is included in the approved FORA budget.

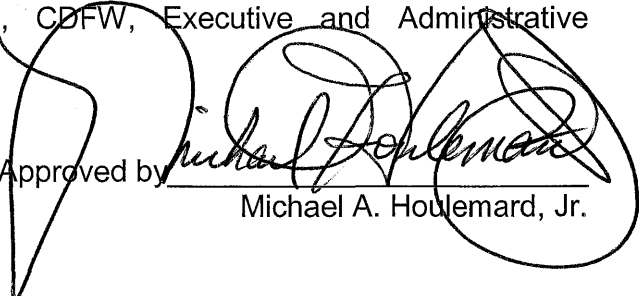
#### **COORDINATION:**

ICF, Denise Duffy and Associates, USFWS, CDFW, Executive and Administrative Committees

Prepared by

  
Jonathan Garcia

Approved by

  
Michael A. Houlemard, Jr.

# FORT ORD REUSE AUTHORITY BOARD REPORT

## EXECUTIVE OFFICER'S REPORT

<b>Subject:</b> Administrative Committee	
<b>Meeting Date:</b> October 9, 2015 <b>Agenda Number:</b> 10d	<b>INFORMATION</b>

### RECOMMENDATION:

Receive a report from the Administrative Committee.

### BACKGROUND/DISCUSSION:

The Administrative Committee met on September 2, 2015 and September 16, 2015. The approved minutes from these meetings are attached (**Attachment A and B**).

### FISCAL IMPACT:

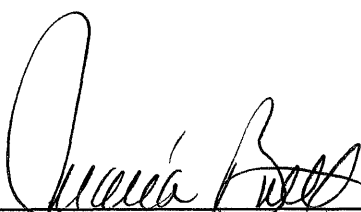
Reviewed by the FORA Controller 

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

### COORDINATION:

Administrative Committee

Prepared by

  
Maria Buell

Approved by

  
Michael A. Houlemard, Jr.



## **FORT ORD REUSE AUTHORITY**

### **ADMINISTRATIVE COMMITTEE REGULAR MEETING MINUTES**

8:15 a.m., Wednesday, September 2, 2015 | FORA Conference Room  
920 2<sup>nd</sup> Avenue, Suite A, Marina CA 93933

#### **1. CALL TO ORDER**

Co-chair Michael Houlemard called the meeting to order at 8:20 a.m. The following were present:

*\*voting members, AR = arrived after call to order*

**Layne Long, City of Marina\***  
Melanie Beretti, Monterey County  
**John Dunn, City of Seaside\***  
Tim O'Halbran, City of Seaside  
**Elizabeth Caraker, City of Monterey\***  
Vicki Nakamura, MPC  
Anya Spear, CSUMB  
Chris Placco, CSUMB  
Steve Matarazzo, UCSC

Kathleen Lee, Dist 5-County  
Mike Zeller, TAMC  
Peter Le, MCWD  
Wendy Elliott, MC  
Lyle Shurtleff, BRAC  
Lisa Rheinheimer, MST  
Andy Sterbenz, Schaaf & Wheeler  
Patrick Breen, MCWD  
Don Hoffer, MCP  
Bob Schaffer

FORA Staff:  
Michael Houlemard  
Steve Endsley  
Robert Norris  
Jonathan Garcia  
Stan Cook  
Ted Lopez  
Peter Said  
Josh Metz  
Crissy Maras  
Maria Buell

#### **2. PLEDGE OF ALLEGIANCE**

Pledge of allegiance led by Steve Matarazzo.

#### **3. ACKNOWLEDGEMENTS, ANNOUNCEMENTS AND CORRESPONDENCE**

Lisa Reinheimer, from Monterey Salinas Transit, announced City of Monterey's approval of Trolley. Chris Placco, California State University Monterey Bay, announced a September 8th charrette at Building 12 (Student Center) and welcomed public participation.

#### **4. PUBLIC COMMENT PERIOD**

None.

#### **5. APPROVAL OF MEETING MINUTES**

a. August 5, 2015 Minutes

MOTION: Chris Placco moved, seconded by Steve Matarazzo to approve the August 5, 2015 Administrative Committee minutes.

MOTION PASSED UNANIMOUSLY

#### **6. SEPTEMBER 11, 2015 BOARD MEETING- AGENDA REVIEW**

Michael Houlemard reviewed the draft Board agenda packet with Committee members. He also introduced Assistant Planner, Ted Lopez. Mr. Houlemard announced FORA to begin recruitment for a new position soon.

#### **7. BUSINESS ITEMS**

Mr. Houlemard stated the Categories 1-2 and Category 3 on information basis only. Jonathan Garcia and Josh Metz discussed the Staff report and responded to comments/questions from the Committee and members of the public regarding modifications to the document.

Item 6b, Mr. Houlemard introduced this item. Steve Endsley discussed the progress of discussions with Agencies and that this item will be presented to Board.

Item 6c. An update will be provided by Steve Endsley about the dispute resolution process followed, the dispute was settled under dispute rules based on Agreement.

Item 6d. FORA Prevailing Wage efforts with DIR per Board direction's.

Item 6e. Building Removal: Staff is moving ahead with first phases of bldg. removal work with CSUMB. Mr. Houlemard said that under Item 8a, close of escrow is scheduled for 9/15.

No comments from public received.

7a. 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

Principal Planner, Jonathan Garcia, introduced this item and discussed it via a Power point presentation.

No comments from public received.

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

Steve Endsley presented this item and responded to comments/questions from the Committee and members of the public regarding modifications to the document.

Steve Matarazzo asked if County does not intend to develop as much property as allowed would this be added to the supplement supply. Steve Endsley responded that if County does not do something, it does not mean somebody else will not do something else; an entity not doing a project, does not mean it will not get done. Mr. Houlemard reiterated that CIP is what will be done with each jurisdiction (as each has its own interests); but some projects have morphed into something else now; financially, if we take stuff off the table, it makes it more expensive for those that are left. Steve Endsley stated that drought factors need to be mentioned.

John Dunn said this conversation is necessary for this board and important to all agencies and public to understand. He suggested a 1-2 pages write up to include most recent update at end and periodically distribute to all 3 boards. Mr. Dunn also suggested Mr. Houlemard meet with Herald and other news boards because public has .0005 knowledge of this situation.

Mr. Houlemard said that Administrative Committee members are encouraged to submit their suggestions on other creative ways to move this forward to Steve Endsley.

No comments from public received.

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

Steve Endsley provided a brief summary of report and responded to comments/questions from the Committee and members of the public regarding modifications to the document. Accomplishment due to MCWD agreeing and also the attempt to protect rate payers and cooperation with all entities involved.

No comments from public received.



d. Fort Ord Reuse Authority Prevailing Wage Program

Robert Norris responded to comments/questions from the Committee and members of the public regarding modifications to the document.

Mr. Norris said he received communications from Labor Council and filings as to whether prevailing wages were paid at Preston Park which FORA has responded to. Enforcement might be an issue to address with Board. Mr. Houlemard spoke about how each city (Monterey/Seaside/Marina) have asked various types of questions regarding this.

Steve Matarazzo asked if DIR shows no cooperation, are our legislators helping out? Mr. Houlemard said Senator Monning's office agreed to help but they have not received a response.

e. Fort Ord Reuse Authority Building Removal Update

Stan Cook presented this item to Committee and responded to their comments/questions. He added that Staff met with City of Seaside to over some of these items.

Don Hoffer asked about cost of demolition pertaining to the actual cash v. actual costs. Mr. Houlemard responded Staff would meet with him and provide this information. He added that \$2MM was left with removal of stockades.

Chris Placco said that lead levels have changed and resulted in changing the total cost.

## **8. ITEMS FROM MEMBERS**

Layne long said City Council continued review of proposed amendment to projects within Specific Plan areas designated "Retail/Service" on the General Plan Land Policy and will be heard in October. No additional comments from Members.

## **9. ADJOURNMENT**

Meeting was adjourned at 9:33 a.m.



## FORT ORD REUSE AUTHORITY

### ADMINISTRATIVE COMMITTEE REGULAR MEETING MINUTES

8:15 a.m., Wednesday, September 16, 2015 | FORA Conference Room  
920 2<sup>nd</sup> Avenue, Suite A, Marina CA 93933

#### 1. **CALL TO ORDER**

Steve Endsley called the meeting to order at 8:27a.m. The following were present:

*\*voting members, AR = arrived after call to order*

Layne Long, City of Marina\* AR  
Melanie Beretti, Monterey County AR  
John Dunn, City of Seaside\*  
Tim O'Halbran, City of Seaside  
Elizabeth Caraker, City of Monterey\*  
Anya Spear, CSUMB  
Chris Placco, CSUMB

Mike Zeller, TAMC  
Wendy Elliott, MCP  
Lyle Shurtleff, BRAC  
Lisa Rheinheimer, MST  
Andy Sterbenz, Schaaf & Wheeler  
Bob Schaffer

FORA Staff:  
Steve Endsley  
Jonathan Garcia  
Josh Metz  
Ted Lopez  
Peter Said  
Crissy Maras  
Maria Buell

#### 2. **PLEDGE OF ALLEGIANCE**

Pledge of allegiance led by Steve Endsley.

#### 3. **ACKNOWLEDGEMENTS, ANNOUNCEMENTS AND CORRESPONDENCE**

Bob Shaffer from Shea Homes stated that only 1 workforce housing unit was left. If someone is qualified for workforce housing, they can talk to them about this process and getting an affordable home. Assistance is available \$5,000 for closing costs and \$10,000 from Shea Mortgage.

Melanie Beretti, Monterey County, arrived at 8:33 a.m. A Quorum was achieved at 8:33 a.m.

Ted Lopez spoke about the Request for Proposals for Categories 1 & 2 of the Base Reuse Plan. He said interviews will be on 9/17 to select a consultant. Steve Endsley added background information about the Base Reuse Plan created in 1997 and, through guidance of Counsel, revisions completed through this process.

Jonathan Garcia announced the Project Coordinator Specialist position and asked that this open position be shared with home agencies present. Josh Metz referenced the Jobs Survey work he is doing and requested assistance from member agencies present in getting information for the survey.

#### 4. **PUBLIC COMMENT PERIOD**

None.

#### 5. **SEPTEMBER 11, 2015 BOARD MEETING- AGENDA REVIEW**

Steve Endsley discussed the Board agenda and a contentious item regarding water. Prevailing wage issue came up as well. Robert Norris provided a brief summary of the Staff report and recommendations to Board. He stated that Senator Monning's office contacted DIR offices who responded within a day. DIR promised a letter would be sent to FORA confirming First Generation work at FORA does fall within SB854 and their suggestion to have registration requirements. Mr. Norris asked recommendations for the enforcement and the staffing that jurisdictions do not have.

Board comments:

John Dunn said City agencies do not have the capacity to do enforcement, perceives that FORA is now being pushed to be the enforcement agency. A policy has to be created now because it will be passed on to the (post FORA) Successor Agency and identify what happens on 7-1-2020.

The committee received public comments and suggestions as to enforcement of FORA contracts and compliance.

Layne Long arrives at 8:52 am

Melanie Beretti said Monterey County has Consultants that carry out these compliance issues. (i.e. East Garrison).

Don Hoffer said the cost to construct is high. If there are more obstacles to construct and less available local hires, to construct more and add more jobs.

Steve Endsley agreed that creating a policy to adhere to is necessary that covers these areas of concern.

## **6. BUSINESS ITEMS**

- a. 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 introduced this item, provided information and answered AC questions. He also reviewed operating budget for MCWD

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

Assistant Executive Officer, Steve Endsley, reviewed this item and the setup of a mechanism to engage in a solution. A 10 point memo as to what MCWD and MPRWD are trying to do and seek the approval from Board will be prepared.

Ms. Beretti leaves at 9:40 am

John Dunn expressed the need for RUAP and need for water focus on present and future needs.

Jonathan Garcia shared challenges from Board meeting: the shared pipeline PCA MCWD and FORA contributing revenue for water augmentation. The cost has to be equal to or less than desal. The PCA's Prop 1 state funding require deadlines to file by. As to MCWD and FORA Board has not taken action. He referenced challenges to moving ahead and not all are in FORA's control.

Steve Endsley said endorsing a project does not imply a full endorsement (\$24M). FORA could endorse a planning process; a cost-efficient hybrid project that could be modeled for future projects.

## **7. ITEMS FROM MEMBERS**

None.

## **8. ADJOURNMENT**

Meeting was adjourned at 9:50 a.m.

# FORT ORD REUSE AUTHORITY BOARD REPORT

## EXECUTIVE OFFICER'S REPORT

<b>Subject:</b>	Post Reassessment Advisory Committee	
<b>Meeting Date:</b>	October 9, 2015	<b>INFORMATION</b>
<b>Agenda Number:</b>	10e	

### RECOMMENDATION(S):

Receive a Post Reassessment Advisory Committee (PRAC) activity/meeting report.

### BACKGROUND/DISCUSSION:

The PRAC met on Thursday, September 10, 2015 and received status updates and deliberated regarding the Trails Working Group, Economic Development related items, Blight Removal, and Regional Urban Design Guidelines. Staff presented the Committee Charge for review. Member Rubio requested adding Water Supply Management/Augmentation as a regular PRAC agenda item due to its inclusion in the 2012 Reassessment Report Category IV items.

The next meeting of the PRAC is scheduled for 9:00 am on Thursday, October 8, 2015.

Approved June 19th and July 17th minutes are attached (**Attachment A**).

### FISCAL IMPACT:

Reviewed by FORA Controller 

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

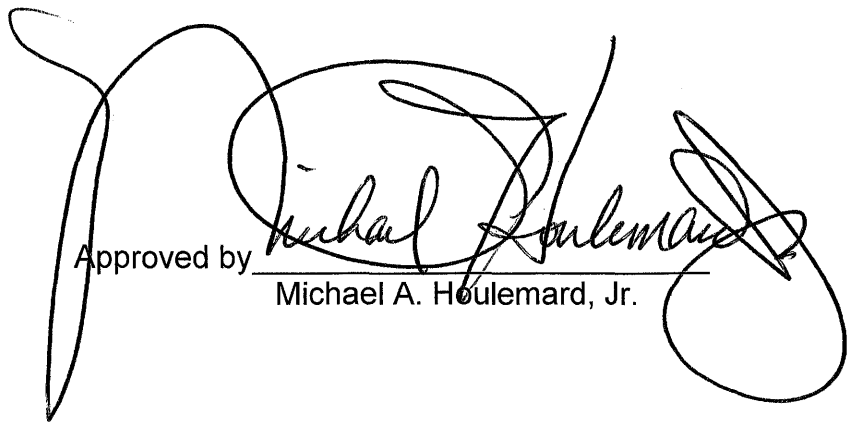
### COORDINATION:

PRAC, California State University Monterey Bay, Transportation Agency for Monterey County, Bureau of Land Management, Administrative and Executive Committees.

Prepared by

  
Josh Metz

Approved by

  
Michael A. Houlemard, Jr.



**FORT ORD REUSE AUTHORITY**  
**BASE REUSE PLAN POST-REASSESSMENT ADVISORY COMMITTEE (PRAC)**  
**MEETING MINUTES**

9:00 a.m., Friday, June 19, 2015 | FORA Conference Room  
920 2<sup>nd</sup> Avenue, Suite A, Marina, CA 93933

**1. CALL TO ORDER**

Confirming a quorum, Fort Ord Reuse Authority (FORA) PRAC Chair Victoria Beach called the meeting to order at 9:03 am. The following people were in attendance:

**Committee Members**

Victoria Beach (Chair), City of Carmel  
Gail Morton, City of Marina  
Andre Lewis, CSUMB

**Staff**

Steve Endsley, FORA  
Jonathan Garcia, FORA  
Peter Said, FORA

**Other Attendees**

Steve Matarazzo, UCSC  
Tom Moore, MCWD  
Chris Placco, CSUMB  
Kristie Markey, District 4 Supervisor  
Bob Schaffer, member of the public  
Jane Haines, member of the public  
Scott Waltz, member of the public

**2. ACKNOWLEDGEMENTS, ANNOUNCEMENTS AND CORRESPONDENCE**

None.

**3. APPROVAL OF MEETING MINUTES**

a. May 22, 2015 Post Reassessment Advisory Committee Minutes.

MOTION: Gail Morton moved, 2nd by Chris Placco, to approve the May 22, 2015 meeting minutes.

MOTION PASSED: Unanimous.

**4. PUBLIC COMMENT PERIOD**

Bob Schaffer said that he is working with the Dunes on Monterey Bay on their workforce housing component. The project is looking for workforce housing program applicants. Mr. Schaffer made information, cards, and brochures available.

Gail Morton (speaking as member of the public) said that there is a Marina City Council meeting on June 30<sup>th</sup> at 6:30pm where the developer of the restaurants next to the Dunes on Monterey Bay Shopping Center will be asking Marina for a reduction in FAR / density requirements for its 2<sup>nd</sup> Ave. proposal (Panda Express, Chipotle, Starbucks). Ms. Morton asked others to attend this meeting and provide input at council. Chair Beach requested that a site plan and potential opportunities be provided in an email in order to better assess. Ms. Morton listed concerns about the current proposal and reduction in FAR, which would create backs of buildings facing the streets and reduce minimum density requirements for mixed use development in the Dunes on Monterey Specific Plan area.

## **5. BUSINESS ITEMS**

### **a) FORA Trails Working Group update**

Jonathan Garcia reported that staff is meeting with individual representatives of the trails working group to work on the developing the draft Fort Ord Trails Blue Print.

### **b) Regional Urban Design Guidelines update**

Mr. Garcia reported the Draft RUDG is planned for Board presentation at the July 10 meeting, followed by a 30 day review period. The Final RUDG report is planned for Board presentation at the November 13 meeting.

### **c) Economic Development update**

Mr. Garcia reported that Josh Metz is the new Economic Development Coordinator at FORA. He is currently developing a 100-day strategic plan, working on web/social media presence. Josh was not at the PRAC meeting today because he was attending the Black Business Expo Event. Committee members requested that Josh Metz provide an Economic Development update at the next PRAC meeting.

### **d) Blight Removal Update**

Mr. Garcia reported the \$320K Economic Development Administration grant proposal for a building removal business plan is in process. The \$3M I-Bank loan is currently being reviewed by I-Bank representative Ruben Rojas. Committee members requested that staff provide an I-Bank loan update at the next PRAC meeting.

## **6. ITEMS FROM MEMBERS**

### **a. Chair Beach: TAMC is actively working on a Wayfinding Plan, defining signage colors, layout, and trail naming. Chair Beach suggested that the PRAC should get involved in County-level branding of signage and Route naming.**

Committee members requested that FORA staff complete the following trails-related tasks: send a letter to Transportation Agency for Monterey County (TAMC) apprising their Wayfinding Plan Advisory Committee of current Fort Ord Trails Blue Print efforts; invite TAMC staff assigned to the Wayfinding Plan Advisory Committee to the next PRAC meeting; and discuss with trails working group members how to adopt the Fort Ord Trails Blue Print into their General Plans.

### **b. Chair Beach requested information about City of Seaside's planning for "Seaside East."**

## **7. ADJOURNMENT**

The next meeting of the PRAC was scheduled for Friday, July 17, 2015 at 9:00 am.



**FORT ORD REUSE AUTHORITY**  
**BASE REUSE PLAN POST-REASSESSMENT ADVISORY COMMITTEE (PRAC)**  
**MEETING MINUTES**

9:00 a.m., Friday, July 17, 2015 | FORA Conference Room  
920 2<sup>nd</sup> Avenue, Suite A, Marina, CA 93933

**1. CALL TO ORDER**

Fort Ord Reuse Authority (FORA) PRAC Chair Victoria Beach called the meeting to order at 9:05 a.m. The following people were in attendance:

**Committee Members**

Victoria Beach (Chair), City of Carmel  
Gail Morton, City of Marina  
Ralph Rubio, Mayor City of Seaside  
Andre Lewis, CSUMB (via telephone)

**Staff**

Michael Houlemard, FORA  
Steve Endsley, FORA  
Josh Metz, FORA  
Ted Lopez, FORA  
Peter Said, FORA

**Other Attendees**

Steve Matarazzo, UCSC  
Tom Moore, MCWD  
Chris Placco, CSUMB  
Kristi Markey, Chief of Staff to District 4 Supervisor  
Bob Schaffer, member of the public  
Jane Haines, member of the public  
Scott Waltz, member of the public  
Ron Cheshire, member of the public  
Margaret Davis, member of the public  
Debbie Hale, TAMC  
Virginia Murrillo, TAMC

**2. ACKNOWLEDGEMENTS, ANNOUNCEMENTS AND CORRESPONDENCE**

Economic Development Coordinator Josh Metz introduced Ted Lopez as the new FORA Associate Planner team member. Executive Officer Michael Houlemard noted Mr. Lopez worked as a UCLA graduate intern with the Century Freeway Housing Program in the mid 1980's.

**3. APPROVAL OF MEETING MINUTES**

The Committee tabled June 19, 2015 PRAC Minutes due to lack of a quorum.

**4. PUBLIC COMMENT PERIOD**

Bob Schaffer expressed concern that the cities of Seaside and Marina are the only jurisdictions addressing affordable housing in Monterey County. Mr. Schaffer noted his interest to present at a future PRAC meeting the method(s) used in marketing housing.

Margaret Davis (speaking as a member of the public and whom currently serves on the Marina Planning Commission) commented that the City of Marina supports the development of affordable housing.

Executive Officer Michael Houlemard noted to PRAC members that FORA is working with California State Secretary of Business, Consumer Services and Housing Agency, Anna Caballero to seek affordable housing and reuse funding.

## **5. BUSINESS ITEMS**

### **a) FORA Trails Working Group update**

Josh Metz noted continued work on the draft Fort Ord Trails Blue Print. Mr. Metz has met with several jurisdictional staff to review the draft. Mr. Metz anticipates returning to a future PRAC meeting with a working draft for committee review and discussion.

### **b) Regional Urban Design Guidelines update**

There was general committee discussion on the draft Regional Urban Design Guidelines (RUDG), Economic Development and Blight Removal. Chair Victoria Beach commented that FORA Trails Blue Print, RUDG, Economic Development strategic plan and Blight Removal plan were items tasked by PRAC. Ralph Rubio commented that agenda item d) Blight Removal, identified 39 work tasks. Gail Morton noted that the Blight Removal task is a key factor and will be studied / analyzed by PRAC.

Mr. Metz reiterated that PRAC is responsible for review of the base reuse process and recommendations to Board of Directors.

Executive Officer Michael Houlemard extended an invitation to meet with Chair Beach to discuss categories 1, 2, 3 and 4.

Mr. Metz noted that an administrative draft RUDG is on the FORA website for review. Executive Officer Houlemard noted that FORA is providing this opportunity to particularly encourage input from developers and the community.

### **c) Economic Development update**

Josh Metz delivered a PowerPoint presentation on FORA economic development, goals, planning, partnerships and community outreach.

### **d) Blight Removal Update**

Executive Officer Houlemard informed PRAC members that FORA is awaiting a response from I-Bank on a \$3M loan.



## **6. PRESENTATION ITEMS**

### **a) TAMC Wayfinding Committee Presentation**

Josh Metz introduced Virginia Murrillo, TAMC project manager for the Regional Bicycle and Pedestrian Wayfinding Plan for Monterey County.

Ms. Murrillo noted that the main goals for the Wayfinding Plan are to encourage countywide pedestrian and bicycle travel, identify regional routes and provide standard guidelines, uniformity and locations for Wayfinding signage. In addition, one of the goals is to maintain uniformity with the FORA Trails Plan. Ms. Murrillo provided several samples of signage under consideration.

TAMC also created the Wayfinding Plan Advisory Committee, an ad-hoc committee of the Transportation Agency for Monterey County. It is comprised of project stakeholders including representatives from TAMC's Bicycle and Pedestrian Facilities Advisory Committee, County of Monterey, local cities, the Monterey County Health Department, Building Healthy Communities, Fort Ord Reuse Authority, the Velo Club, Green Pedal Couriers, Fort Ord Recreation Trails Friends, Pebble Beach, and Monterey Salinas-Transit. Ms. Murrillo is encouraging community review / comment on the draft signage during the months of July and August.

Mr. Metz commented that FORA would assist in getting the word out on the draft signage and Wayfinding Plan for public review / comment.

There was general discussion that Wayfinding signage should include horse travel. TAMC Executive Director Debbie Hale, commented that the plan is focused on 90% of existing roadways.

## **7. ITEMS FROM COMMITTEE MEMBERS**

- a. Chair Beach requested FORA staff to return at a future PRAC meeting with information on work tasks completed under categories 1, 2, 3, and 4.
- b. Chair Beach also expressed interest for information on the FORA process to get a project approved within FORA property.

## **8. ADJOURNMENT**

The PRAC meeting was adjourned at 11:25 a.m. There is no August 2015 meeting. The next meeting is scheduled for Thursday, September 10, 2015 at 9:00 a.m. A general consensus among PRAC members was to hold all future meetings on the 2<sup>nd</sup> Thursday of each month.

# FORT ORD REUSE AUTHORITY BOARD REPORT

## EXECUTIVE OFFICER'S REPORT

**Subject:** Regional Urban Design Guidelines Task Force

**Meeting Date:** October 9, 2015

**Agenda Number:** 10f

### INFORMATION

### RECOMMENDATION(S):

Receive Regional Urban Design Guidelines (RUDG) Task Force Update.

### BACKGROUND/DISCUSSION:

The Task Force met at 10:00am Thursday August 27 and 11:00am Thursday, September 10, 2015 to review RUDG Administrative drafts incorporating Base Reuse Plan (BRP) direction, existing jurisdiction policies and plans, and community input. Discussion focused on continuing refinement of presented documents and content and suggestions for format adjustments.

The current approach involves separating BRP directed RUDG from other process related content into two distinct documents: RUDG (for Board approval and policy use) and Design Fort Ord (non-binding process/context document). Members provided additional input to strengthen language linking the RUDG with specific BRP policy direction.

Staff plans to present the major highlights of the DRAFT RUDG for Board information during a special Board meeting/workshop scheduled for 12-2pm Monday November 2. Pending workshop interaction, staff anticipates presenting the DRAFT RUDG for Board deliberation/consideration at the November 13 meeting.

Approved August 27 minutes are attached (**Attachment A**).

The next RUDG Task Force meeting was set for 10:00 am, Monday October 12, 2015.

### FISCAL IMPACT:

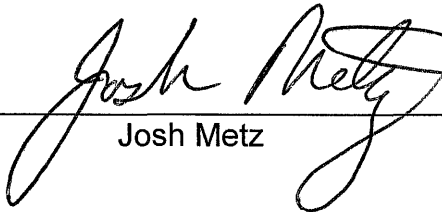
Reviewed by FORA Controller 

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

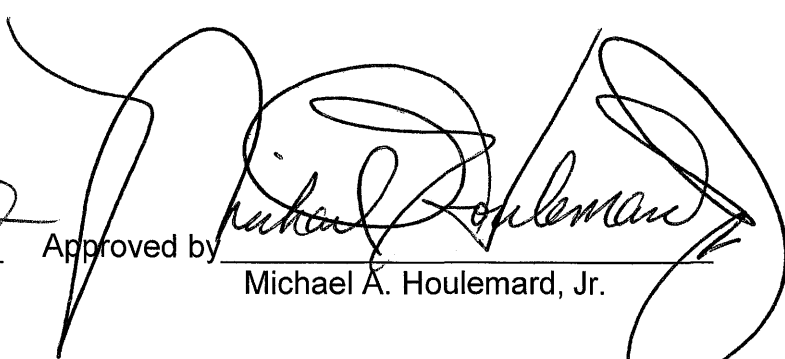
### COORDINATION:

Administrative Committee and Dover-Kohl and Partners.

Prepared by

  
Josh Metz

Approved by

  
Michael A. Houlemard, Jr.



## **FORT ORD REUSE AUTHORITY**

### **REGIONAL URBAN DESIGN GUIDELINES TASK FORCE REGULAR MEETING NOTES**

10:00 a.m., August 27, 2015 | FORA Conference Room  
920 2<sup>nd</sup> Avenue, Suite A, Marina, CA 93933

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

Regional Urban Design Guidelines (RUDG) Task Force (Task Force) Chair Michael Houlemard called the meeting to order at 10:05 a.m. The following were present:

##### Members:

John Dunn, City of Seaside  
Victoria Beach, City of Carmel-by-the-Sea  
Layne Long, City of Marina  
Carl Holm, Monterey County  
Elizabeth Caraker, City of Monterey  
Chris Placco, CSUMB

##### FORA Staff:

Michael Houlemard  
Jonathan Garcia  
Josh Metz  
Steve Endsley  
Ted Lopez

##### Others:

Bob Schaffer  
Anya Spear  
Diana Ingersoll  
Jane Haines  
Kathy Biala  
Gene Doherty  
Steve Matarazzo  
Tim O'Halloran  
Rick Medina  
Bob Schaffer  
Jason King, DKP  
Beth Palmer  
Brian Boudreau  
Wendy Elliott  
Jason King

#### **2. ACKNOWLEDGEMENTS, ANNOUNCEMENTS AND CORRESPONDENCE**

Chair Michael Houlemard and FORA Economic Development Coordinator Josh Metz welcomed Task Force members and general public. Chair Houlemard invited Task Force members to make any announcements. Member Victoria Beach announced that Transportation Agency for Monterey County (TAMC) had included the proposed Fort Ord Trail and Greenway (FORTAG) into its project list. Chris Placco announced that CSUMB was conducting a Master Plan workshop on September 8, 2015, 4:30 pm, at the CSUMB student center. John Dunn announced that City of Seaside submitted their comments on RUDG the evening of August 17, 2015.

#### **3. APPROVAL OF MEETING MINUTES**

a. August 18, 2015 Meeting Minutes.

MOTION: John Dunn moved, seconded by Victoria Beach to approve the August 18, 2015 minutes as presented.

MOTION PASSED: Unanimous.

#### **4. PUBLIC COMMENT PERIOD**

None

## **5. BUSINESS ITEMS**

### **a. Complete review of RUDG narrative**

Chair Houlemard introduced RUDG consultant, Jason King with Dover, Kohl & Partners. Chair Houlemard also noted that Task Force members should continue reviewing the guidelines, which will be presented as a “working draft” to the Board at an upcoming meeting.

Mr. King delivered a presentation on the draft RUDG document. Task Force members picked up review where it last left on page 2.2 “Legible Centers.”

General discussion by Task Force members ensued on Fronts Face Fronts, Primacy of Open Spaces, Scale of Public Spaces, Walkable Streets, Legible Centers, Mix of Building Types, Context of Sensitive Trails and Customized Gateways.

Victoria Beach expressed a need to add more building types into the Mix of Building Types. Wendy Elliott noted that the guidelines promote flexibility to include single-family, accessory and cottage / granny flat units.

John Dunn commented that the guidelines should have gateway design standards, including adding a “destination signage program.” Chris Placco also expressed that a definition of “gateways” be developed. Steve Matarazzo reiterated that adding gateway design standards should also be reflected in the FORA Capital Improvement Program (CIP). Ideally, FORA should establish a funding source to construct new gateways.

Task Force members also commented that the RUDG document should be reorganized to make stronger connections to the Base Reuse Plan (BRP), specifically reorganized by Centers, Gateways, Corridors, and Trails. Elizabeth Caraker commented that this approach should include a summarization in the introduction on the intent or purpose of the RUDG.

Task Force members recommended that a re-organization and re-structure of the RUDG document be completed prior to the next Task Force meeting for review and comment.

### **b. Review draft maps & guidelines**

Task Force members did not review this item. The item will be carried over to the next meeting.

### **c. Review Introduction redraft, decision tree/flow chart diagram, and revised narrative format**

Task Force members did not review this item. The item will be carried over to the next meeting.

The Task Force will continue their review of the draft RUDG on Thursday, September 10, 2015 at 11:00 a.m.

## **6. ITEMS FROM MEMBERS**

None.

## **7. ADJOURNMENT**

The meeting was adjourned at 2:03 p.m.

FORT ORD REUSE AUTHORITY BOARD REPORT		
EXECUTIVE OFFICER'S REPORT		
<b>Subject:</b>	Veterans Issues Advisory Committee	
<b>Meeting Date:</b>	October 9, 2015	<b>INFORMATION</b>
<b>Agenda Number:</b>	10g	

**RECOMMENDATION:**

Receive an update from the Veterans Issues Advisory Committee (VIAC).

**BACKGROUND/DISCUSSION:**

The VIAC met on September 24, 2015. The approved July 23, 2015 minutes are included as **Attachment A**. The next meeting will be October 22, 2015,

**FISCAL IMPACT:**

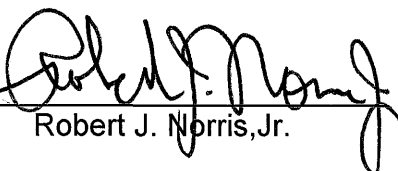
Reviewed by FORA Controller 

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

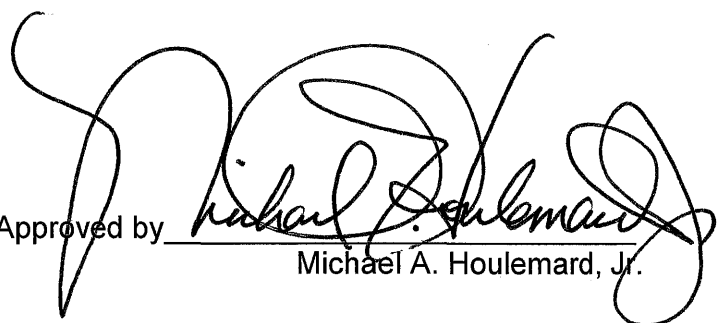
**COORDINATION:**

VIAC

Prepared by

  
Robert J. Norris, Jr.

Approved by

  
Michael A. Houlemard, Jr.



## **FORT ORD REUSE AUTHORITY**

### **VETERANS ISSUES ADVISORY COMMITTEE REGULAR MEETING NOTES**

3:00 p.m., Thursday, July 23, 2015 | FORA Conference Room  
920 2<sup>nd</sup> Avenue, Suite A, Marina, CA 93933

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

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

##### VIAC Members:

Jerry Edelen, Acting Chair  
Rich Garza, CCCVFC  
Jack Stewart, CAC  
James Bogan, UVC  
Sid Williams, Mo. Co. Military/Vets  
Edith Johnsen, Veterans Families  
Preston Young, US Army POM

##### FORA Staff:

Robert Norris  
Crissy Maras

#### **2. PLEDGE OF ALLEGIANCE**

Acting Chair Edelen asked Robert Norris to lead the Pledge of Allegiance.

#### **3. ACKNOWLEDGEMENTS, ANNOUNCEMENTS AND CORRESPONDENCE**

FORA staff had received correspondence from the Cemetery Foundation requesting an edit to the June 25, 2015 minutes - Item 6a (Old Business, CCCVC Status Report) 1<sup>st</sup> paragraph, last sentence: The CCCVC Foundation will design/build the memorial wall.

#### **4. PUBLIC COMMENT PERIOD**

None.

#### **5. APPROVAL OF MEETING MINUTES**

a. June 25, 2015 VIAC Minutes

MOTION: Edith Johnsen moved, seconded by Sid Williams, to approve the minutes as edited by the CCCVC Foundation and as noted in the above-referenced correspondence.

MOTION PASSED: Unanimous

#### **6. OLD BUSINESS**

a. California Central Coast Veterans Cemetery Status Report

i. Construction Schedule

Cemetery construction is on schedule for a target completion date in July 2016. Committee members requested that FORA staff work with CalVet staff to schedule a site tour/visit in the near future.

b. Ongoing Local Military Issue Media Coverage

The recent cemetery town hall meeting held at the Carpenters Union Hall attracted approximately 150-200 attendees and was covered by the Monterey Herald newspaper and KAZU radio station. The Foundation will attend several upcoming events and hopes to obtain media coverage for future

cemetery phase fundraising. Members expressed the importance of tying in media coverage and drawing in neighboring counties for fundraising efforts.

c. VA/DoD Veterans Clinic Status Report

- i. Historic Flag Pole Variance Update
- ii. Construction Schedule

Sid Williams reported that he continues to work with Congressman Farr's office to obtain CDVA installation approvals and designs. Restoration funds and a retrofit contractor are in place. The pole will be retrofitted and stored at the VTC prior to installation at the clinic. FORA has a standing request for an updated construction schedule from the City of Marina.

d. FORA Economic Development Program

A presentation was included in the meeting packet for member review and comment. FORA Economic Development Coordinator Josh Metz will provide an overview at a future meeting.

e. Fundraising – Stand Down and other events

Monterey County supervisors approved the budget for next year's Stand Down event. Veteran of the Year tickets are being sold by Mr. Williams. Run for the Fallen event has been moved to October 24<sup>th</sup>.

**7. ITEMS FROM MEMBERS**

Preston Young announced the change of command ceremony scheduled for July 29<sup>th</sup>, and if members know of any veterans who served with the 11<sup>th</sup> cavalry regiment to contact Carmen at POM so they can be included in the event.

**8. ADJOURNMENT**

Acting Chair Edelen adjourned the meeting at 3:35 p.m.

<b>FORT ORD REUSE AUTHORITY BOARD REPORT</b>		
<b>EXECUTIVE OFFICER'S REPORT</b>		
<b>Subject:</b>	Travel Report	
<b>Meeting Date:</b>	October 9, 2015	<b>INFORMATION</b>
<b>Agenda Number:</b>	10h	

### **RECOMMENDATION(S):**

Receive a travel report from the Executive Officer.

### **BACKGROUND/DISCUSSION:**

Per the FORA Travel Policy, the Executive Officer (EO) submits travel requests to the Executive Committee on FORA Board/staff travel. The Committee reviews and approves requests for EO, Authority Counsel and board members travel; the EO approves staff travel requests. Travel information is reported to the Board.

### **COMPLETED TRAVEL** (As of 9-30-15)

1. Testimony before U.S. House of Representatives – Energy and Commerce Committee  
**Destination:** Washington, DC (flight from Providence RI to Washington, DC)  
**Date:** September 16, 2015  
**Traveler:** Michael Houlemard, Jr.

Mr. Houlemard received an invitation from Chairman John Shimkus requesting his testimony before U.S. House of Representatives, Energy and Commerce Committee on a hearing covering "Oversight of Federal Facility Cleanup under CERCLA" (Attachment A). Mr. Houlemard's testimony covered the financial impacts to local communities cleaning up federal facilities given to these jurisdictions and the need for additional funding to finish all phases of cleanup.

2. International City/County Management Association Annual Conference (ICMA)  
**Destination:** Seattle, WA  
**Date:** Sept. 27-30, 2015  
**Traveler/s:** Steve Endsley

The ICMA Annual Conference is the largest annual event in the world for local government managers and staff. Each year, through its highly praised Annual Conference, ICMA offers an abundance of educational, information-sharing, and networking tools to be utilized in today's complex community environment.

### **UPCOMING TRAVEL**

1. International Economic Development Council Annual Conference (IEDC)  
**Destination:** Anchorage, AK  
**Date:** Oct. 3-8, 2015  
**Traveler/s:** Michael Houlemard and Josh Metz



2. National Coalition for Homeless Veterans Housing Summit (NCHV)  
Destination: Washington, DC  
Date: Oct. 6-8, 2015  
Travelers: Robert Norris
3. California Special Districts Association (CSCA) Board Clerk/Secretary Conference  
Destination: South Lake Tahoe, CA  
Date: Oct. 18-20, 2015  
Travelers: Maria Buell
4. Association of Defense Communities (ADC) Base Redevelopment Summit  
Destination: San Antonio, TX  
Date: Oct. 20-23, 2015  
Travelers: Michael Houlemard and Ralph Rubio

**FISCAL IMPACT:**

Reviewed by FORA Controller 

Travel expenses are paid/reimbursed according to the FORA Travel policy. The Executive Committee approved a maximum airfare reimbursement limit of \$550 to San Antonio (ADC Conference, item #4).

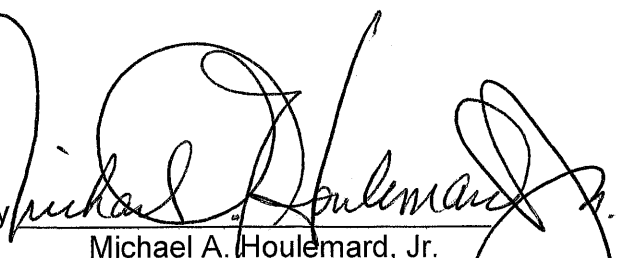
**COORDINATION:**

Executive Committee.

Prepared by

  
Maria Buell

Approved by

  
Michael A. Houlemard, Jr.

ONE HUNDRED FOURTEENTH CONGRESS

# Congress of the United States

## House of Representatives

### COMMITTEE ON ENERGY AND COMMERCE

2125 RAYBURN HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515-6115

Majority (202) 225-2927  
Minority (202) 225-3641



September 11, 2015

Mr. Michael Houlemard  
Executive Officer  
Fort Ord Reuse Authority  
920 2nd Avenue, Suite A  
Marina, CA 93933

Dear Mr. Houlemard:

Thank you for agreeing to testify on Friday, September 16, 2015, at 3:00 p.m. in 2123 Rayburn House Office Building, at the Subcommittee on Environment and the Economy hearing entitled "Oversight of Federal Facility Cleanup under CERCLA."

The attached documents provide important details concerning the preparation and presentation of your testimony.

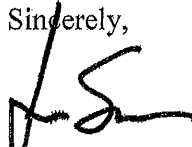
- The first attachment describes the form your testimony must take.
- The second attachment provides you with Electronic Format Guidelines that detail how to file testimony electronically.
- The third attachment provides you the Rules for the Committee on Energy and Commerce.
- The fourth attachment provides you with a Truth-in-Testimony Disclosure form and a Truth-in-Testimony instruction sheet.

Please be aware that, in accordance with the Committee's usual practice, witnesses have a right to be represented by counsel, who may advise the witnesses on their Constitutional rights, but cannot testify. In addition, hearings are open to audio, video, and photographic coverage by accredited press representatives only.

Mr. Michael Houlemard  
Page 2

If you have any questions concerning any aspect of your testimony, please contact Tina Richards or David McCarthy of the Energy and Commerce Committee staff at (202) 225-2927.

Sincerely,

A handwritten signature in black ink, appearing to be 'JS' with a stylized flourish.

John Shimkus  
Chairman

Subcommittee on Environment and the Economy

Enclosures: (1) Form of Testimony  
(2) Electronic Format Guidelines  
(3) Rules for the Committee on Energy and Commerce  
(4) Truth-in-Testimony Disclosure form

FORT ORD REUSE AUTHORITY BOARD REPORT		
EXECUTIVE OFFICER'S REPORT		
<b>Subject:</b>	Public Correspondence to the Board	
<b>Meeting Date:</b>	October 9, 2015	<b>INFORMATION</b>
<b>Agenda Number:</b>	10i	

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

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

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