



FORT ORD REUSE AUTHORITY

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REGULAR MEETING FORT ORD REUSE AUTHORITY BOARD OF DIRECTORS

Friday, November 4, 2016 at 2:00 p.m.

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

AGENDA

ALL ARE ENCOURAGED TO SUBMIT QUESTIONS/CONCERNS BY NOON NOVEMBER 3, 2016.

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. CLOSED SESSION

- a. Conference with Legal Counsel – Existing Litigation, Gov. Code 54956.9: *Keep Fort Ord Wild v. Fort Ord Reuse Authority (FORA), County of Monterey Superior Court Case No.: M114961*
- b. Conference with Legal Counsel – Pending Litigation, Gov. Code 54956.9: *Successor Agency to Redevelopment Agency of the County of Monterey v. Michael Cohen, in his official capacity as Director of the State of California Department of Finance (DOF), etc. County of Sacramento Superior Court Case No.: 34-2016-80002403*

4. ANNOUNCEMENT OF ACTION TAKEN IN CLOSED SESSION

5. ROLL CALL

6. ACKNOWLEDGEMENTS, ANNOUNCEMENTS, AND CORRESPONDENCE

- a. Prevailing Wage Jurisdictional Training Update Report

7. CONSENT AGENDA

CONSENT AGENDA consists of routine items accompanied by staff recommendation(s).

- a. October 14, 2016 Board Meeting Minutes (p. 1-5)
- b. Administrative Committee (p. 6-9)
- c. Veterans Issues Advisory Committee (p. 10)
- d. Water/Wastewater Oversight Committee (p. 11-13)
- e. Travel Report (p. 14)
- f. Public Correspondence to the Board (p. 15)

INFORMATION/ACTION

8. BUSINESS ITEMS

- | | |
|---|--------------------|
| a. Eastside Parkway Environmental Review Contract 2d Vote (p. 16-44) | ACTION |
| b. University of California Monterey Bay Education Science and Technology Center Status Update (p. 45-46) | INFORMATION |
| c. Consistency Determination: Del Rey Oaks Monument RV Resort (p. 47-53) | INFORMATION/ACTION |
| d. Transition Task Force Committee Recommendation (p. 54-55) | INFORMATION/ACTION |
| e. Authorize Industrial Hygienist Professional Services Solicitation (p. 56-85) | ACTION |
| f. 2017 Legislative Agenda (p. 86-92) | INFORMATION/ACTION |

9. PUBLIC COMMENT PERIOD

Members of the public wishing to address the Board on matters within its jurisdiction, but not on this agenda, may do so for up to 3 minutes.

10. ITEMS FROM MEMBERS

11. ADJOURNMENT

NEXT BOARD MEETING: December 9, 2016



**FORT ORD REUSE AUTHORITY
BOARD OF DIRECTORS REGULAR MEETING MINUTES**

Friday, October 14, 2016 at 2:00 p.m.
910 2nd Avenue, Marina, CA 93933 (Carpenters Union Hall)

1. CALL TO ORDER

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

2. PLEDGE OF ALLEGIANCE

Chair O'Connell led the pledge of allegiance.

3. ROLL CALL

Mayor Joe Gunter (City of Salinas)	Mayor Ralph Rubio (City of Seaside)
Council member Alan Haffa (City of Monterey)	Mayor Jerry Edelen (City of Del Rey Oaks)
Mayor David Pendergrass (City of Sand City)	Council member Gail Morton (City of Marina)
Pro-Tem Ian Oglesby (City of Seaside)	Supervisor Dave Potter (County of Monterey)
Council member Janet Reimers (City of Carmel)	Supervisor John Phillips (County of Monterey)
Mayor Pro-Tem Frank O'Connell (City of Marina)	
Council member Casey Lucius (City of Pacific Grove)	

Ex-officio (Non-Voting) Board Members Present: Dr. Eduardo Ochoa (CSUMB), Tom Moore (MCWD), Bill Collins (Ft Ord BRAC Office), Colonel Brown (US Army), Vicki Nakamura (MPC), Donna Blitzer (UCSC), Erica Parker (29th State Assemblymember Stone), Nicole Charles and (17th State District Senator Monning).

Absent: Lisa Rheinheimer (MST), Alec Arago (20th Congressional District) and PK Diffenbaugh (MPUSD)

4. ACKNOWLEDGEMENTS, ANNOUNCEMENTS, AND CORRESPONDENCE

Michael A. Houlemard Jr. announced the great success of the California Central Coast Veterans Cemetery Opening Ceremony that was held on Tuesday October 11, 2016. Mr. Houlemard thanked Mr. Robert Norris, FORA Principal Analyst, who is also a veteran for his tremendously work that he completed behind the scenes. Chair O'Connell commented on the Major General William H. Gourelly VA-DOD Clinic Ribbon Cutting Ceremony that was held on Friday, October 14, 2016. Mr. Houlemard also announced the Prevailing Wage Jurisdictional Training that will be scheduled for November 1st, 2016.

Public comment was opened, there were no comments received.

5. CLOSED SESSION

a. *Conference with Legal Counsel – Existing Litigation, Gov. Code 54956.9: Keep Fort Ord Wild v. Fort Ord Reuse Authority (FORA), Case No.: M114961*

Chair O'Connell advised the Board that it was determined that there was no need for Closed Session by Authority Counsel, Jon Giffen. The hearing is scheduled for November 4, 2016 at 9am – Superior Court of California County of Monterey – Hon. Lydia M. Villarreal. Mr. Giffen expects to have an update for the Board at the next meeting.

6. CONSENT AGENDA

Supervisor Jane Parker requested to pull item 6f - Fort Ord Reuse Authority Building Removal Program Update for a comment. Council Member Gail Morton requested to ask a question regarding item 6k – Habitat Conservation Plan Report Update.

- a. Approve September 9, 2016 Board Meeting Minutes
Janet Reimers provided a correction to the September 9, 2016 Board Meeting minutes – roll call section which indicated she was absent instead of present.
- b. Administrative Committee
- c. Veterans Issues Advisory Committee
- d. Water/Wastewater Oversight Committee
- e. Transition Task Force Committee
- f. Fort Ord Reuse Authority Building Removal Program Update
Ms. Parker made comments regarding the priority set by the Post Reassessment Advisory Committee (PRAC) of identifying funding to accomplish the goal of removing the blight in the former Fort Ord. Mr. Parker indicated that are buildings and blight beyond what is discussed in the update report and wanted to point out that the Board should really find a way to implement a way to get the buildings removed. This is a priority of FORA as an entity and in the event that FORA sunsets in 2020 there is limited time to get the work done or there will be a significant impact on Seaside and Marina.
- g. Environmental Services Cooperative Agreement Quarterly Report Update
- h. Travel Report
- i. Public Correspondence to the Board
- j. Prevailing Wage Report Update
- k. Habitat Conservation Plan Report Update
Council member Gail Morton asked some questions to clarify information provided in item 6k - Habitat Conservation Plan Report Update for comment and Jonathan Brinkmann, Principal Planner and the Executive Officer responded.

Chair O'Connell asked for public comment. There was a public comment on item 6f.

MOTION: On motion by Board member Potter and seconded by Board member Rubio and carried by the following vote the Board approved Consent Agenda items 6a-6k with amendments to item 6a – 9/9 Board Meeting minutes to reflect Janet Reimers as present.

MOTION PASSED UNANIMOUSLY

7. BUSINESS ITEM

- a. **Authorize Execution of Amendment #1 to City of Del Rey Oaks FORA Insurance Repayment Agreement**

Mr. Brinkmann provided the staff report and presentation. The request for authorization of an amendment (#1) to the City of Del Rey Oaks FORA Insurance Repayment Agreement comes to the Board as a follow up item from the Boards October 10, 2014 meeting. Although the Board authorized the amendment to the Insurance Repayment Agreement, the amendment had not been considered by the Del Rey Oaks City Council. City staff at Del Rey Oaks are prepared to present to their City Council on October 25, however FORA staff made minor revisions to reflect the amount to be paid by Del Rey Oaks as of September 30, 2016 and also an agreement term extension through June 30, 2019.

Mr. Brinkmann and Mr. Houlemard responded to a question regarding the five percent (5%) interest rate on the loan and explained that it was in place to be consistent with other jurisdictions that had repayment agreements and also that it was Board policy that set the rate of interest.

***MOTION:** On motion by Board member Rubio and seconded by Board member Phillips and carried by the following vote, the Board approved the authorization to execute Amendment #1 to the City of Del Rey Oaks FORA Insurance Repayment Agreement.*

Board member Lucius made a comment about the fiscal impact portion of the staff reports and that it would be helpful to have an illustration of how the items with fiscal impact are actually paid for.

Public comment was opened, there were no comments received.

MOTION PASSED UNANIMOUSLY

b. Eastside Parkway Environmental Review Contract

Mr. Brinkmann provided the staff report and presentation. Mr. Brinkmann provided a brief background on the roadway network in the 1997 Base Reuse Plan (BRP) and the identification of Eastside Road that connects Imjin Parkway to Gigling Road as a transportation infrastructure improvement and explained that development projects are paying FORA Community Facilities District (CFD) Special Taxes in which CIP projections show collection of sufficient dollars to fund this BRP Roadway mitigation.

Staff recommended that the Board receive the report with responses to the questions regarding the Eastside Parkway Environmental Review Contract and to direct the Executive Officer/staff to:

- a. Conduct an open solicitation for a consultant to perform the Eastside Parkway environmental review in accordance with the National Environmental Policy Act (NEPA) & California Environmental Quality Act (CEQA) requirements; **or**
- b. Authorize the Executive Officer to negotiate and execute a professional services contract amendment #3 (**Attachment A**) with Whitson and Associates, Inc. (Whitson) to agreement FC-05102010 for the oversight and completion of the Eastside Parkway Environmental Review, not to exceed \$568,100 in additional funding.

Staff answered questions regarding the available budget remaining for transportation projects; an inquiry regarding the payment of legal expenses related to Capital Projects; and provided further explanation of the answers to the questions previously submitted before the September 9 meeting.

Board members provided questions/comments and staff answered about the choice of charts utilized in the presentation (GANT chart suggested); the new TAMC study that would be presented at the October 26 Administrative Committee meeting and how those results might affect change in the projections for this and other projects; the projections of the time delay and other “downsides” besides the 2-3 month delay; what FORA investments have been to date in the re-alignment.

Public comment was opened, comments were received.

*MOTION: On motion by Board member Edelen and seconded by Board member Gunter to Authorize the Executive Officer to negotiate and execute a professional services contract amendment #3 (**Attachment A**) with Whitson and Associates, Inc. (Whitson) to agreement FC-05102010 for the oversight and completion of the Eastside Parkway Environmental Review, not to exceed \$568,100 in additional funding.*

The Board discussed the motion.

SUBSTITUTE MOTION: As a substitute motion by Board member Haffa and seconded by Board member Parker and carried by the following the Board canceled the first motion by Board member Edelen and moved to conduct an open solicitation for a consultant to perform the Eastside Parkway environmental review in accordance with the National Environmental Policy Act (NEPA) & California Environmental Quality Act (CEQA) requirements.

Staff clarified the major pros and cons of each of the Boards option as outlined in the staff report.

Public comment was opened, comments were received.

ROLL CALL VOTE FOR SUBSTITUTE MOTION: MOTION FAILED

AYES

Haffa
Reimers
Lucious
Parker
Morton

NOES

Gunter
Pendergrass
Oglesby
Phillips
Potter
Edelen
Rubio
O’Connell

Chair O’Connell asked the motion by Board member Edelen be re-stated and vote be taken verbally and a show of hands.

MOTION PASSED AND WILL COME BACK NEXT MONTH (NOVEMBER)

AYES (8)

Gunter
Pendergrass
Oglesby
Phillips
Potter
Edelen
Rubio
Lucious

NOES (5)

Haffa
Morton
Parker
O’Connell
Reimers

c. Water Augmentation Project Planning Process

Mr. Brinkmann presented the staff report and provided an update on the item and informed the Board that the Technical Advisor Group (TAG) met on August 26, 2016 and reviewed the MOU and the elements of the Water Augmentation program. Staff is in the process of drafting a solicitation and expect to review the work with the TAG in late October and then bring a negotiated contract to the Board in December.

There were no comments from the Board or the public on the item.

d. Economic Development Quarterly Status Update

Josh Metz, Economic Development Manager provided the staff report and presentation. Mr. Metz provided a brief background to the Board about the activity of Economic Development since January 2015 when the Board reviewed its economic recovery strategies.

Dr. Ochoa, CSUMB, provided additional activity related to Economic Development at CSUMB.

Staff responded to questions from the Board.

Public comment was opened, there were no comments received.

e. University of California Monterey Bay Education Science and Technology Center Status Update

This item was postponed and will be added at the next Board Meeting on November 4th, 2016.

8. PUBLIC COMMENT PERIOD

Public comment was opened, there were no comments received.

9. ITEMS FROM MEMBERS

The Board were no items received from Board Members.

10. ADJOURNMENT

The meeting adjourned in honor of Maj. William Williams at 3:38 p.m.

FORT ORD REUSE AUTHORITY BOARD REPORT

CONSENT AGENDA

Subject: Administrative Committee	
Meeting Date: November 4, 2016	INFORMATION/ACTION
Agenda Number: 7b	

RECOMMENDATION:

Receive a report from the Administrative Committee.

BACKGROUND/DISCUSSION:

The Administrative Committee met on October 5, 2016. The approved minutes from this meeting are attached (**Attachment A**).

FISCAL IMPACT:

Reviewed by the FORA Controller JM

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

COORDINATION:

Administrative Committee

Prepared by Dominique Jones
Dominique Jones

Approved by Michael A. Houlemard, Jr.
Michael A. Houlemard, Jr.



FORT ORD REUSE AUTHORITY
ADMINISTRATIVE COMMITTEE REGULAR MEETING MINUTES
8:30 a.m., Wednesday, October 5, 2016 | FORA Conference Room
920nd Avenue, Suite A, Marina CA 93933

1. CALL TO ORDER at 8:33am

Steve Endsley called the meeting to order at 8:31a.m. The following were present:

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

Craig Malin, City of Seaside*

Elizabeth Caraker, City of Monterey*

Layne Long, City of Marina*

Melanie Barette, County of Monterey*

Daniel Dawson, City of Del Rey Oaks*

Steve Matarazzo, UCSC (p)

Vicki Nakamura, MPC (p)

Patrick Breen, MCWD

Kathleen Ventimiglia, CSUMB (p)

Todd Muck, TAMC

Doug Yount, MCP (p)

Gage Dayton, UCSC Natural

Reserves (p)

Mike Zeller, TAMC (p)

Bill Collins, US Army

Bob Schaffer

Nick Nichols (p)

Don Hofer, MCP (p)

Lisa Rheinheimer (p)

Kathleen Lee (p)

FORA Staff:

Steve Endsley

Dominique Jones

Jonathan Brinkmann

Peter Said

Robert Norris

Sheri Damon

Mary Israel

Ikuyo Yoneda-Lopez

2. PLEDGE OF ALLEGIANCE

Pledge of allegiance was led by Bob Shaffer

3. ACKNOWLEDGEMENTS, ANNOUNCEMENTS AND CORRESPONDENCE

Assistant Executive Officer, Steve Endsley, announced the Opening Ceremony for the California Central Coast Veterans Cemetery (Seaside) will be held on October 11 and provided details regarding the parking and post ceremony reception that would be held at the Oldemeyer Center in Seaside. Mr. Endsley also announced that the William H. Gourley VA-DOD Outpatient Clinic ribbon cutting will be held on October 14. Mr. Layne Long introduced the City of Marina's new Community Development Director, Fred Aegerter.

4. PUBLIC COMMENT PERIOD

There were no comments from the public.

5. APPROVAL OF MEETING MINUTES

a. August 31, 2016 Administrative Committee Minutes

On motion by Craig Malin and seconded by Elizabeth Caraker, the Administrative Committee approved the August 31, 2016 Regular Meeting Minutes.

MOTION PASSED UNANIMOUSLY

6. OCTOBER 14, 2016 BOARD PACKET REVIEW

The Administrative Committee reviewed the October 14 Board Agenda packet and provided direction to recommend to the Executive Committee that all items listed under the Consent Agenda be "information/action". Mr. Endsley reviewed the consent agenda and business items and advised the committee which FORA staff member would be presenting the item at the Board meeting.

Jonathan Brinkmann, Principal Planner, provided an overview the October 14 Board packet item 7a – “Authorize Execution of Amendment #1 to City of Del Rey Oaks – FORA Insurance Repayment Agreement” and its placement on the agenda as a follow up item. This item serves as a follow up to the Board from the October 10, 2014 meeting in which the Board authorized the amendment, however the same amendment has not yet been considered by Del Rey Oaks City Council. FORA staff made minor revisions to Amendment #1 to reflect the current amount to be paid by Del Rey Oaks as of September 30, 2016.

Peter Said, Project Specialist, provided an overview the October 14 Board packet item 7c – “Water Augmentation Project Planning Process”; which is moving forward. The pipeline agreement executed by Marina Coast Water District. In regards to the study to look at the water remaining to be determined and varying factors will be reviewed and a solicitation is currently being drafted. Staff anticipates presenting a negotiated contract to the Board for consideration in December 2016.

Josh Metz, Economic Development Manager, provided an overview the October 14 Board packet item 7d – “Economic Development Quarterly Status Update” and item 7e – “University of California Monterey Bay Education Science and Technology (UC MBEST) Status Report”. The Economic Development Quarterly report details the highlights and progress since the last update provided in July, 2016. The UC MBEST report provided a background overview of the project, intended outcomes and goals and the next steps that will further the collaboration and new development interests.

- a. Capital Improvement Program (CIP) - Eastside Parkway Environmental Review Contract Amendment (October 14, 2016 Board packet item 6b)

Mr. Brinkmann and Mr. Endsley, provided an overview of the status of response for the Capital Improvement Program – Eastside Parkway Environmental Review Contract. Staff was prepared to propose a contract amendment with Whitson Engineers allowing future environmental work on this project under the FORA Master Resolution, however after receiving first 19 questions (later followed by 2 additional questions) from Monterey County Supervisor Jane Parkers office, it was recommended by Authority Counsel to pull the item from the agenda to allow staff to time to answer the questions. Staff has since revised its recommendation and provided those three (3) alternatives to the Board.

Public Comment was received on the item. Doug Yount indicated a correction needed to be made on October 14 Board packet item 7f – “Fort Ord Reuse Authority Building Removal Program Update” – within the section titled “Marina Stockade Removal Preparations” – Mr. Yount stated that Marina Community Partners (MCP) is not in agreement with the statement that indicated FORA has completed its wooden building removal obligation according to the Memorandum of Agreement and that there are still cost outstanding and an invoice has been sent for cost reimbursement and that there are still other obligations for phases 2 and 3 of the projects.

The Administrative Committee accepted the report.

7. BUSINESS ITEMS

- a. Transportation Agency of Monterey County (TAMC) Fee Allocation Study
Mr. Brinkmann introduced consultant, Kimley-Lee that presented the study in a power point presentation. Public Comment was received on the item. The Administrative Committee that a follow up presentation be made in regards to the concerns raised by certain Jurisdictions.

b. Transition Task Force Update

Mr. Endsley advised the Administrative Committee that a date was proposed for the next Transition Task Force meeting – October 24 is in the process to be confirmed by members and more information would be released in a appropriate time frame.

c. Quarterly Economic Development Status Report

Mr. Metz previously provided an update on this item during the October 14 Board packet review.

d. Land Use Covenant Jurisdictions Annual Report Request

Mr. Brinkmann provided an overview of the annual reports and advised jurisdictions that have not yet submitted their reports to do so as soon as possible. The deadline was September 30.

8. ITEMS FROM MEMBERS

There were no items from members

9. ADJOURNMENT

The meeting adjourned at 9:49am

FORT ORD REUSE AUTHORITY BOARD REPORT

CONSENT AGENDA

Subject:	Veterans Issues Advisory Committee	
Meeting Date:	November 4, 2016	INFORMATION/ACTION
Agenda Number:	7c	

RECOMMENDATION:

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

BACKGROUND/DISCUSSION:

The VIAC met on October 27, 2016 and discussed the status of the California Central Coast Veterans Cemetery, fundraising and the VA/DOD Veterans Clinic. The committee also discussed the Veterans Transition Center Housing construction and the historical preservation project.

FISCAL IMPACT:

Reviewed by FORA Controller 

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

COORDINATION:

VIAC

Prepared by


Dominique Jones

Approved by


Michael A. Houlemard, Jr.

FORT ORD REUSE AUTHORITY BOARD REPORT
CONSENT AGENDA

Subject: Water/Wastewater Oversight Committee	
Meeting Date: November 4, 2016	INFORMATION/ACTION
Agenda Number: 7d	

RECOMMENDATION:

Receive an update from the Water/Wastewater Oversight Committee (WWOC).

BACKGROUND/DISCUSSION:

The WWOC met on October 19, 2016 after a 2 month hiatus. The approved minutes from the September, 14 2016 meeting are included (**Attachment A**).

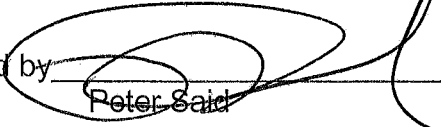
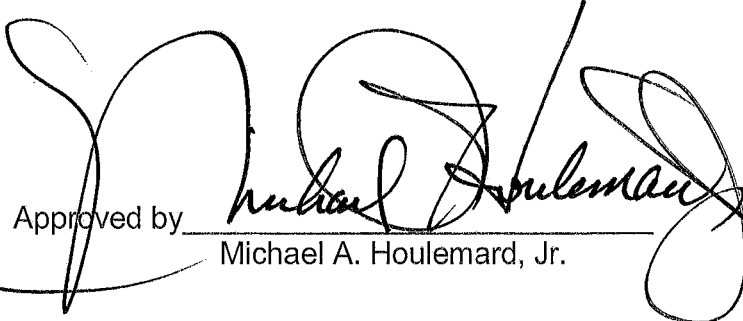
FISCAL IMPACT:

Reviewed by FORA Controller 

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

COORDINATION:

WWOC, Marina Coast Water District

Prepared by  Peter Said Approved by  Michael A. Houlemard, Jr.



**FORT ORD REUSE AUTHORITY
WATER/WASTEWATER OVERSIGHT COMMITTEE
MEETING MINUTES**

920 2nd Avenue, Suite A, Marina CA 93933 | FORA Conference Room
9:30 a.m., Wednesday, September 14, 2016

1. CALL TO ORDER

Confirming quorum, Chair Rick Riedl called the meeting to order at 10:00 a.m. The following were present:

Committee Members:

Melanie Beretti, Monterey County
Steve Matarazzo, University of California
Santa Cruz (UCSC)
Rick Riedl, City of Seaside

Bob Schaffer
Ken Nishi

FORA Staff:

Steve Endsley
Jonathan Brinkmann
Nicole Valentino

Other Attendees:

Keith Van Der Maaten, Marina Coast Water
District (MCWD)
Patrick Breen, MCWD
Andy Sterbenz, Schaaf & Wheeler
Consulting Civil Engineers

2. PLEDGE OF ALLEGIANCE

Nicole Valentino led the pledge of allegiance.

3. ACKNOWLEDGEMENTS, ANNOUNCEMENTS AND CORRESPONDENCE

4. PUBLIC COMMENT PERIOD

None.

5. APPROVAL OF MEETING MINUTES

a. June 15, 2016

MOTION: Committee member Steve Matarazzo moved, seconded by Melanie Beretti, to approve the June 15, 2016 Water/Wastewater Oversight Committee (WWOC) minutes.

MOTION PASSED UNANIMOUSLY.

6. BUSINESS ITEMS

a. MCWD Customer Service Evaluation

FORA Principal Planner Jonathan Brinkmann requested that committee members complete the WWOC MCWD annual evaluation form and submit the forms to FORA staff by the next meeting.

b. Groundwater Sustainability Act Update

MCWD General Manager Keith Van Der Maaten presented an update on MCWD's plans to comply with the Sustainable Groundwater Management Act (SGMA). In summary, the SGMA requires agencies to form local Groundwater Sustainability Agencies (GSAs) by June 30, 2017 that must assess conditions in their local water basins and adopt locally-based management plans. If local agencies do not form GSAs by June 30, 2017, the same responsibilities for assessing water basin conditions and adopting management plans would default to the State of California.

MCWD plans to submit an application to the California Department of Water Resources (DWR) to be its own GSA for its service area within 2 weeks. After receiving an application, DWR must post a notice for 90 days. If there are no overlapping claims, the GSA is deemed approved.

MCWD is participating in a broad Salinas Valley groundwater basin discussion about forming a GSA.

c. Sewage Credit Update

Mr. Brinkmann presented information on pre-paid wastewater capacity for Fort Ord. In the past, the Army prepaid 3.3 million gallons per day (MGD) of wastewater treatment capacity to Monterey Regional Wastewater Pollution Control Agency (MRWPCA). The Army transferred 2.2 MGD of its capacity to FORA and MCWD. Currently, Fort Ord is using about one third or .97 MGD of the available 3.3 MGD of prepaid capacity.

Mr. Nishi stated that he had requested a MCWD water and sewer capacity charge credit update be placed on the agenda, and that what was being presented and discussed was not what he had requested.

c. ADJOURNMENT

Chair Riedl adjourned the meeting at 10:23 a.m.

NEXT MEETING: October 19, 2016

FORT ORD REUSE AUTHORITY BOARD REPORT

CONSENT AGENDA

Subject:	Travel Report	
Meeting Date:	November 4, 2016	INFORMATION/ACTION
Agenda Number:	7e	

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

Association of Defense Communities Installation Reuse 2016 Conference


Destination: Atlanta, GA
Travel Dates: October 17 - 19, 2016
Travelers/s: Michael Houlemard and Robert Norris

Executive Officer Michael Houlemard and Principal Analyst Robert Norris attended the Association of Defense Communities Installation Reuse 2016 Conference ("Leveraging Defense Infrastructure") in Atlanta, Ga. Both Mr. Houlemard and Mr. Norris participated in multiple panels, including Mr. Houlemard moderating of an Opening Session Panel "Major Economic, Technical, and Market Shifts Impacting Today's Installation Reuse Projects." The conference attendees spanned the nation and included City of Monterey representative Elizabeth Caraker and former NPS Commanding Officer Timothy Faller (who now serves as Navy Liaison to the Office of Economic Adjustment). Mr. Norris also represented FORA in the closing session "How Can Active and Closed Defense Community Organizations Evolve to meet New Reuse Challenges." In addition to the panel presentations, the participants toured the very successful Tyler Perry studios activity that is the prime recovery project at the former Fort McPherson in Atlanta.

UPCOMING TRAVEL

None to report

FISCAL IMPACT:

Reviewed by FORA Controller 
Travel expenses are paid/reimbursed according to the FORA Travel policy.

COORDINATION:

Executive Committee

Prepared by 
Dominique Jones

Approved by 
Michael A. Houlemard, Jr.

FORT ORD REUSE AUTHORITY BOARD REPORT

CONSENT AGENDA

Subject: Public Correspondence to the Board

Meeting Date: November 4, 2016

Agenda Number: 7f

INFORMATION/ACTION

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 or mailed to the address below:

FORA Board of Directors
920 2nd Avenue, Suite A
Marina, CA 93933



FORT ORD REUSE AUTHORITY BOARD REPORT

BUSINESS ITEMS

Subject: Eastside Parkway Environmental Review Contract 2d Vote

Meeting Date: November 4, 2016

Agenda Number: 8a

ACTION

RECOMMENDATION(S):

Second Vote: Authorize the Executive Officer to negotiate and execute a professional services contract amendment #3 (**Attachment A**) with Whitson and Associates, Inc. (Whitson) to agreement FC-05102010 for the oversight and completion of the Eastside Parkway Environmental Review, not to exceed \$568,100 in additional funding and allow the Executive Officer to work with Whitson Engineering on the final structure of the environmental review based on the 90% design work already completed.

BACKGROUND/DISCUSSION:

The 1997 Base Reuse Plan (BRP) Final Environmental Impact Report (EIR) identified Eastside Road, connecting Imjin Parkway to Gigling Road, as a transportation infrastructure improvement (Table 4.7-3 pg.4-104 http://www.fora.org/Reports/BRP/BRP_v4_FinalEIR_1997.pdf). The Fort Ord Reuse Authority (FORA) and the County of Monterey performed preliminary analyses to refine Eastside Road's alignment. The FORA Board then established FORA Capital Improvement Program (CIP) funding priority for Eastside Road in December 2009. In 2010, the roadway name changed from 'Eastside Road' to 'Eastside Parkway,' as suggested by County of Monterey staff. CIP projections show collection of sufficient dollars to fund this BRP roadway mitigation within the next few years, making it timely to complete environmental review.

At the September 9, 2016 FORA Board meeting, FORA staff had prepared a board report proposing a contract amendment with Whitson Engineers allowing future environmental work on this project under the FORA Master Resolution. After FORA staff received 19 questions from Supervisor Parker's office, Authority Counsel recommended the item be pulled from the agenda to provide additional time for staff and Authority Counsel to confer regarding questions posed.

On September 16, 2016, FORA staff received two more questions from Supervisor Parker's office (a total of 21). **Attachment B** to this report includes FORA staff responses to these 21 questions.

FISCAL IMPACT:

Reviewed by FORA Controller 

Staff time for this item is included in the approved annual budget. Eastside Parkway Environmental Review Contract funding for \$568,100 is included in the approved FORA Capital Improvement Program budget and is funded through collection of FORA Community Facilities District Special Tax payments.

COORDINATION:

Authority Counsel, Administrative and Executive Committees, Whitson, Transportation Agency for Monterey County.

Prepared by


Jonathan Brinkmann

Approved by


Michael A. Houlemard, Jr.

Agreement for Professional Services – Amendment #3

This is Amendment #3 to Agreement No. FC-052010 (“AGREEMENT”) between the Fort Ord Reuse Authority, a political subdivision of the State of California (hereinafter “FORA”) and Whitson and Associates, Inc., dba Whitson Engineers (hereinafter “CONSULTANT”).

Except for the following amendments, all terms and conditions in the AGREEMENT remain the same:

1. SERVICES. Subject to the terms and conditions set forth in this Amendment and activities described in **Exhibit A** (attached), CONSULTANT shall provide to FORA additional services.
2. TERM. The term of the AGREEMENT is extended until June 30, 2018 or until the maximum amount of authorized compensation is reached.
3. COMPENSATION AND OUT OF POCKET EXPENSES. The AGREEMENT is increased by \$568,100 to compensate CONSULTANT for all of the additional services described in “SERVICES” section above and **Exhibit A** (attached). The overall maximum amount of FORA’s liability over the full term of the AGREEMENT is not to exceed \$1,619,970, including out of pocket expenses.

IN WITNESS WHEREOF, AUTHORITY and CONSULTANT execute this Amendment as follows:

AUTHORITY

CONSULTANT

By _____ Date _____
Michael A. Houlemard, Jr.
Executive Officer

By _____ Date _____
Trina L. Prince
Contracts Administrator

Approved as to form:

By _____ Date _____
Jon Giffen, Authority Counsel

August 25, 2016

2146.00

Mr. Jonathan Brinkmann
FORT ORD REUSE AUTHORITY (FORA)
920 2nd Ave., Suite A
Marina, CA 93933

Via email: Jonathan@fora.org

**Re: Proposal for Environmental Impact Report
Eastside Parkway, Monterey County, California**

Dear Mr. Brinkmann:

Thank you for the opportunity to provide FORA with continuing Civil Engineering, Land Surveying and Environmental Consulting services in conjunction with the Eastside Parkway project. Our team has a long working history with Eastside Parkway, in addition to having a proven track record of entitling projects in Monterey County.

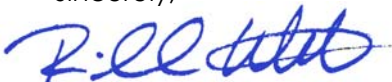
Per your request and in conjunction with Denise Duffy & Associates (DD&A), we are pleased to present FORA with the enclosed 2016 proposal to prepare an Environmental Impact Report (EIR) for Eastside Parkway in compliance with the California Environmental Quality Act (CEQA). The scope of the project is from Eucalyptus Road to Inter-Garrison Road, Inter-Garrison Road from Eastside Parkway to East Garrison, and Gigling Road from the County Boundary to Eastside Parkway (approximately 4.3 miles). The EIR will be based on the 90% Submittal Eastside Parkway Improvement Plans dated September 2012 previously prepared by Whitson Engineers.

The attached proposal is intended to be comprehensive, with the assumption that the project will be met with some opposition. It is our understanding that FORA will act as the lead agency under CEQA and that federal funding is unlikely to be available for this project, therefore compliance with the federal National Environmental Policy Act (NEPA) is not included. Furthermore, as requested by FORA, a task has been included for environmental legal services by Jacqueline M. Zischke, Attorney at Law, on a time and materials basis to ensure that the EIR is thoroughly vetted throughout the process.

The scope of work identifies the anticipated tasks our team will undertake to successfully complete the CEQA documentation. Please note however that further refinement might be required once the scoping process is complete.

We thank you again for the opportunity to continue our work with FORA on this project. If you have any questions or need more information, please contact me at (831) 649-5225.

Sincerely,



Richard Weber PE, LS
RCE 55219
Principal

**SCOPE OF SERVICES FOR
CEQA DOCUMENTATION****Eastside Parkway**

(Eastside Parkway from Eucalyptus Road to Inter-Garrison Road – 16,260', Inter-Garrison Road from Eastside Parkway to East Garrison – 5,570', and Gigling Road from the County Boundary to Eastside Parkway – 1,290')

**Fort Ord Reuse Authority
Monterey County, California****SCOPE OF SERVICES****Task 1 – Project Initiation / Data Collection**

The objective of this task is to ensure that the CEQA document is completed in a technically accurate manner, will result in a legally defensible environmental document acceptable to FORA, and is completed within the scheduled timeframe. One of the most important results of this task is an agreed-upon schedule of deliverables and deadlines.

1.1 Project Initiation / Scope Development

- a. Attend a kick-off meeting with FORA to review and refine the scope of work, identify and prepare a list of needs (i.e., background documents, plans, and other relevant project information), confirm deliverables, and establish schedules and protocols for communication.
- b. Assemble and review the available maps, surveys, reports, and studies that have previously been completed for the roadway corridor and distribute them to the project team.
- c. Review previous environmental documents (e.g., Preliminary Initial Study Checklist and associated technical studies, FORA Reuse Plan and EIR, Reassessment Report, and other environmental documents) to determine how much information can be utilized and identify any data gaps.
- d. Prepare regular status reports to update FORA and the Consultant Team on the on-going activities, recent accomplishments, and outstanding items throughout the duration of the project. This report will be emailed to all agreed-upon recipients in a memorandum format. The status report will allow for the project team to understand where we are in the CEQA process and keep the team on-track with deadlines and expectations.
- e. Develop a detailed draft outline for the Draft CEQA document. The purpose of the outline is to provide the team with an early understanding of the final work product. The outline will guide the incorporation of technical data into the draft document and also state the appropriate significance thresholds assumed for each environmental impact category so there is a clear understanding of the criteria for evaluation.

Responsibilities/Deliverables:

- **Consultant Team:** Refined scope of work and budget, list of needs, confirmation of schedule, status reports for the duration of the project (assume one report per month for 16 months), and Draft CEQA Outline including appropriate significance thresholds
- **FORA:** Facilitate kick-off meeting, coordinate with Consultant Team to provide requested information, review and comment on draft CEQA outline.

Task 2 – Confirmation and Finalization of Project Description and Alternatives

2.1 Project Description

- a. Update the existing project description defining all aspects of the project, including, but not limited to, project background, location, goals and objectives, planning and engineering details, limits of construction, affected properties and phasing (if any), construction schedule and equipment, graphics to illustrate the project plans, and anticipated permitting and approval actions. The update will be based on the review of the Preliminary Initial Study Checklist (January 2012) and current design plans (September 2012).

2.2 Draft Conceptual Alternatives Descriptions

The EIR will require a detailed evaluation of project alternatives. The Project Description and Alternatives Section of the EIR will identify and describe the proposed project, no project alternative, additional alternatives that will be evaluated in the EIR, and alternatives considered but eliminated. Consultant Team will work closely with FORA, to develop the draft conceptual alternatives descriptions.

- a. Currently, the following 4 alternatives are anticipated/budgeted:
 - i. No Eastside Parkway and all traffic utilizing existing roadways with improvements per the 2014 Regional Transportation Plan (RTP).
 - ii. Eastside Parkway along current planned alignment per the 90% design with 2014 RTP projects.
 - iii. Eastside Parkway alignment along 7th/8th Street and Inter-Garrison Road with 2014 RTP projects.
 - i. Highway 68 bypass, which is not in the current RTP, but historically has been an alternative alignment to provide capacity between Salinas and the Peninsula. The previous Plan Line alternative will be evaluated.
- b. Submit a Draft Project Description and Alternatives Section electronically to FORA for review and comment.
- c. Based on comments received, finalize the Project Description and Alternatives Section for inclusion in the EIR. This scope of work assumes one round of comments from FORA. This scope and budget assumes that after this task is complete, the project description will not significantly

change and result in additional environmental analysis and an amendment to this scope of work.

Responsibilities/Deliverables:

- **Consultant Team:** Assist with development of the draft conceptual alternatives descriptions, Draft and Final Project Description, and Alternatives Section.
- **FORA:** Assist with development of the draft conceptual alternatives descriptions; Review and comment on Draft Project Description and Alternatives Section.

Task 3 – Agency Scoping, Preparation of NOP, and Summary of Comments

3.1 Notice of Preparation (NOP)

The general purpose of the NOP under CEQA is to solicit guidance from appropriate regulatory agencies, interested parties, and other groups concerning the scope and content of the environmental analysis contained in the EIR.

- a. Based upon information contained in the Preliminary IS Checklist, prepare a Draft NOP, which will be electronically submitted to FORA for review and comment prior to public distribution. The NOP will include a brief project description and identification of potential environmental impacts in accordance with CEQA Guidelines §15082.
- b. Upon receipt of FORA comments, revise the NOP and electronically submit a final version to FORA for distribution. This task assumes only one (1) round of comments on the Draft NOP.
- c. Coordinate with FORA on compiling the distribution list for the NOP. This task also assumes that FORA will be responsible for distribution of the NOP, and publishing the NOP and meeting notice in local publications.

3.2 Meetings

- a. During the course of the 30-day NOP public comment period (see CEQA Guidelines §15082 and §15375), the Consultant Team will attend and participate in one (1) public scoping hearing. This task will include the preparation of presentation materials, including a PowerPoint presentation, agenda, comment cards, and other materials that may be required. Provide a brief presentation on the nature of the scoping meeting and the general requirements of CEQA, including an overview of the environmental process and anticipated project impacts.
- b. All comments received at the scoping meeting and during the NOP comment period will be used to determine the appropriate scope of the environmental analysis contained in the EIR. A summary of the scoping meeting proceedings will be prepared and provided to FORA.
- c. A summary of NOP comments, which will include a matrix table listing the environmental topics and issues specified in each comment letter, will be prepared and provided to FORA at the end of the public review period.

Responsibilities/Deliverables:

- **Consultant Team:** Prepare Draft and Final NOP, assist with compilation of distribution list, Draft and Final Public Scoping Materials (e.g., PowerPoint presentation, agenda, displays, etc.), meeting attendance and participation, and summary of public comments.
- **FORA:** Compile distribution list, reserve meeting venues, review and comment on presentation materials, and facilitate/participate in scoping meeting.

Task 4 – Prepare First Administrative Draft EIR

Prepare an Administrative Draft EIR for the project, in accordance with CEQA requirements. The First Administrative Draft EIR will include an objective analyses of all relevant topics. The topics expected to be addressed, a description of the analyses to be conducted, and the contents of those sections are discussed below. In addition, the significance of the impacts after implementation of the mitigation measures will be included in the analysis. Impacts considered would include the following: direct, indirect, construction/short-term, operational/long-term, growth inducing and cumulative. The First Administrative Draft EIR will identify and summarize significant impacts and whether they can or cannot be avoided, and will also identify any beneficial environmental impacts of the project, if any. The format of the document will be consistent with the format and outline determined earlier in the EIR process, but will also include all topics discussed below:

- a. Introduction, Goals and Objectives
 - i. This section will indicate that the documentation has been prepared for FORA pursuant to CEQA regulations and guidelines to evaluate the effects of the proposed project and identify the goals and objectives, the foundation of the alternatives analysis.
- b. Proposed Project and Alternatives
 - i. The proposed project and all other reasonable alternatives to the proposed project must be defined and discussed, including the No Project Alternative. CEQA Guidelines Section 15126.6 requires the consideration of a range of reasonable alternatives to the proposed plan that could feasibly obtain most of the basic objectives of the proposed project. The Consultant Team will coordinate with FORA to determine a range of feasible alternatives as part of Task 2; however, potential feasible alternatives may emerge during the environmental review process and these will be considered and evaluated throughout the process.

c. Environmental Setting

- i. Existing information from the Preliminary IS Checklist, Fort Ord Base Reuse Plan and EIR, and other recent relevant environmental documents will be used to describe the baseline environmental conditions within the project vicinity. This section will describe those aspects of the environment that may be affected by implementation of the proposed project. This section will focus on existing conditions within and surrounding the former Fort Ord with specific reference to the following topics.
- Physical environment – visual resources; air quality; geology, soils, seismic hazards, mineral resources, hydrology and water quality; and hazardous materials.
 - Biological environment – vegetation and wildlife, including migratory birds; and
 - Social environment – cultural resources; land use; noise; population and housing; public health hazards; public services and recreation; and transportation and traffic.

d. Impacts and Mitigation Measures

- i. This section analyzes the environmental effects that could result from implementing the proposed project. It also describes the potential environmental effects of the other alternatives.

Specific Sections to be Addressed

The EIR will evaluate the impacts that will likely result from implementing the proposed project; address the requirements to monitor, minimize, and mitigate such impacts; and the impacts of the alternatives and the reasons why such alternatives are not proposed to be used. The impact analysis will apply specific criteria for determining the significance of impacts, consistent with criteria set forth in CEQA, and applicable professional and local standards. Mitigation measures will be identified for significant environmental impacts identified in the EIR. The major issues to be addressed in the environmental document are described below.

- | | |
|-------------------------------------|---------------------------------|
| • Land Use/Planning | • Geology/Soils |
| • Traffic and Circulation | • Hydrology/Water Quality |
| • Air Quality | • Aesthetics/Visual |
| • Greenhouse Gases & Climate Change | • Public Services |
| • Biological Resources | • Utilities and Service Systems |
| • Hazardous Materials | • Recreation |
| • Cultural Resources | • Noise |
| | • Population and Housing |

Technical Studies

Technical studies will be prepared or updated to support the environmental documents being prepared. This scope assumes that the geotechnical and hydrology reports completed for the project are sufficient for analysis in the EIR. The following technical studies and/or updates to existing studies are proposed as part of our work:

- a. Traffic and Circulation
 - i. A Year 2030 Traffic Operation Analysis utilizing the 2010 AMBAG model was previously completed in 2011 as part of the 90% Eastside Parkway Improvement Plans. The model has since been updated and the new RTP and SCS have been adopted by the AMBAG Board. A new analysis will be prepared to show consistency with the 2010 and the newer model. An evaluation will be prepared on the potential impacts for the preferred alignment and up to three (3) additional alternative alignments.
 - i. Obtain the new 2014 RTP/SCS Travel Demand model, enter into a model use agreement with AMBAG, and conduct model runs for each roadway scenario and extract model volumes. *Note that any AMBAG related fees or deposit payable to use the model is not included in our proposal and fee schedule.*
 - i. Produce daily, AM and PM peak hour bi-directional segment volumes for each scenario on the following 31 segments. It should be noted that the model is not calibrated for peak hour conditions and this effort does not include calibrating the model, merely extracting data from the model once road network links are run. Adjustment of model volumes may be conducted manually to more accurately reflect trip diversions because of the shifts in lane capacity.
 1. SR 68 between: Blanco and Reservation, Reservation and Toro Park, Toro Park and Ragsdale, Ragsdale and SR 218, and SR 218 and SR 1 (5 segments).
 2. Blanco Road between Davis Road and Reservation Road (1 segment).
 3. Davis Road between Blanco Road and Reservation Road (1 segment).
 4. Reservation Road between: SR 68 and Davis Road, Davis and Inter-Garrison, Inter-Garrison and Blanco, Blanco and Imjin, Imjin and Del Monte (5 segments).
 5. Del Monte Blvd between Reservations and SR 1 (1 segment).
 6. Imjin Pkwy between: Reservation and Imjin Road, Imjin Road to SR 1 (2 segments).
 7. SR 1 between: Del Monte Blvd and Imjin, Imjin and Lightfighter, Lightfighter and SR 218, and SR 218 and SR 68 (4 segments).
 8. Gen Jim Moore Blvd between: Gigling and Eastside Parkway, and Eastside Parkway and SR 218 (2 segments).

9. SR 218 between Gen Jim Moore Blvd and SR 68 (1 segment).
 10. 7th/8th Street between Gigling and Inter-Garrison Road (1 segment).
 11. Gigling between Gen Jim Moore and 7th/8th Street (1 segment).
 12. Inter-Garrison Road between 7th/8th and Abrams Road, Abrams Road and Eastside Parkway, and Eastside Parkway and Reservation Road (3 segments).
 13. Eastside Parkway between Gen Jim Moore and Gigling, Gigling and Inter-Garrison, and Inter-Garrison and Reservation (3 segments).
 14. SR 68 bypass between SR 218 and Toro Park (1 segment).
- ii. Evaluate the 31 segments for the various scenarios with a lookup table for Level of Service (LOS) and number of lanes required to accommodate traffic volumes, maintaining LOS D or better. Prepare a technical memorandum documenting the analysis.
- b. Air Quality and Greenhouse Gas Emissions
- i. An Air Quality and Greenhouse Gas Impact Assessment will be prepared. The assessment will include a description of regional and local air quality, applicable air quality regulatory framework, standards, attainment status, and significance thresholds. The evaluation of GHG emissions will include a discussion of existing climate change conditions and applicable regulatory framework. GHG emissions will be quantified utilizing the most current recommended guidance and methodologies available. This assessment will also include an evaluation of potential changes in carbon sequestration associated with the planned removal of existing trees, as well as, the planting of any new trees. Monterey Bay Unified Air Pollution Control District (MBUAPCD)-recommended control measures for construction related emissions will be provided as mitigation measures for construction impacts. The effectiveness of proposed mitigation measures will be evaluated and discussed.
- c. Cultural Resource
- i. A Phase 1 Archaeological Report was prepared in 2010. However, due to remediation activities being conducted at the time, portions of the alignment were prohibited from being surveyed. In addition, new legislation, AB 52, came into effect on July 1, 2015.
 - Survey the remaining portions of the alignment
 - Contact the Native American Heritage Commission and federally and non-federally recognized tribes in compliance with AB 52.
 - Prepare an updated report.
- d. Biological Resources
- i. A Biological Resources Report was prepared in January 2012. Due to the time passed since the botanical surveys and preparation of the report, DD&A will conduct a site visit to document existing conditions and

conduct focused spring and summer botanical surveys at the site. DD&A will prepare a report addendum describing any differences in the site conditions, the results of the botanical surveys, and determine whether any additional impacts to biological resources would occur. This scope of work does not include protocol-level wildlife surveys, mapping of sensitive habitat, or wetland delineation. The surveys completed for the report are assumed to be valid for the EIR analysis.

e. Forest Resources

i. A Forest Resource Evaluation Report was prepared in September 2011. Due to the time passed since the previous evaluation, the Consultant Team will provide the following services:

- Review and update description of the forest resources within the project area and estimate of the total tree population by size class and general condition rating using stratified random sampling;
- Review and update presence of “landmark” trees and other notable forest resource occurrences or unique values;
- Review and update information regarding ongoing forest impacts such as erosion or invasive species; and
- Update the outline potential impacts of grading and road development on forest resources as well as opportunities for tree preservation and protection, including transplanting.

ii. The arborist will analyze up to three alignment alternatives to the proposed project. The analysis will include a field survey, mapping existing forest resources utilizing field survey results and aerial photos, qualitatively estimating tree removal required for each alternative, and preparing a memorandum describing the results.

f. Noise and Groundborne Vibration

i. A Noise & Groundborne Vibration Impact Assessment will be prepared. The noise assessment will include a description of the existing noise environment, based on existing environmental documentation and a review of site reconnaissance data. To assess potential construction noise impacts, sensitive receptors and their relative exposure to the proposed project area (considering topographic barriers and distance) will be identified. Noise levels of specific construction equipment will be summarized in included in the report. Groundborne vibration levels typically associated with construction activities and long-term operations will be discussed. Groundborne vibration levels associated with construction-related activities and potential impacts to nearby receptors will be assessed. Long-term changes in groundborne vibration levels are anticipated to be minor and, therefore, will be qualitatively assessed.

Other Statutory Sections

Above and beyond the analysis of topical issues in the Environmental Setting, Impacts, and Mitigation Measures sections,¹ CEQA requires that an EIR contain specific discussions, which include, but are not limited to, those listed below. The Consultant Team will assure that the EIR complies with all local and state environmental requirements.

- a. Indirect Impacts of Growth/Growth Inducement
 - i. We recognize that this is a key issue to the local community. CEQA requires an EIR to discuss the ways in which a project could promote or induce economic or population growth, either directly or indirectly, in the surrounding area. This section will address the potential growth inducement effects of the project based on the assessment of the potential new growth that could be fostered by implementation of the project. This section will also review the proposed project, and the environmental and physical constraints to additional growth. The growth inducing analysis will describe components of the project and why they are or not considered to be growth inducing.
- b. Cumulative Impacts
 - i. This section will discuss potential significant cumulative impacts to which the project would contribute. A region-wide review of the impacts will be considered. The section will address the potential cumulative effects of the project in conjunction with other land uses, resource management, and development actions recently enacted or proposed in the project area. The Consultant Team will work with FORA to identify potential future regional growth to be considered in this analysis. This section will discuss cumulative impacts relating to the project if and when they are significant.
- c. Unavoidable Significant Adverse Impacts
 - i. The unavoidable significant adverse impacts identified in the above analyses, if any, will be summarized in this section. The purpose of this discussion is to call out any permanent or significant degradation in the quality of the environment, or the destruction of important natural and cultural resources, which cannot be prevented by the incorporation of mitigation measures.

Responsibilities/Deliverables:

- **Consultant Team:** First Administrative Draft EIR. Submit the First Administrative Draft EIR electronically to the project team for review and comment. This task assumes only one (1) round of comments on the First Administrative Draft EIR.
- **FORA:** Review and comment on First Administrative Draft EIR.

¹ The CEQA content requirements of the Environmental Setting, Impacts, and Mitigation Measures sections will be included in the EIR as part of the "Affected Environment" and "Environmental Consequences."

Task 5 – Prepare Screencheck and Public Draft EIR

5.1 Document Revisions

- a. Upon conclusion of the review of the First Administrative Draft EIR, revise the document based on FORA comments, as appropriate, and submit the Screencheck Draft EIR electronically to the project team for final review before publishing the document for public review. Incorporate minor comments anticipated on the Screencheck Draft EIR, and prepare the Draft EIR for formal public review. This task assumes only one (1) round of comments on the Screencheck Draft EIR.
- b. Provide copies of the document on CD and in a pdf file so that it can be posted on the FORA website upon publication. Provide five (5) hard copies of the Public Draft EIR to FORA and thirty (30) CDs for public distribution. The Consultant Team will be responsible for circulating the Public Draft EIR to the approved distribution list, which will be updated, if necessary, during this task with internal team input. The Consultant Team will also be responsible for the preparation of the CEQA notices (Notice of Availability and Notice of Completion), and filing and posting with the State Clearinghouse and County Clerk. FORA will be responsible for posting the Notice of Availability in local publications.
- c. During the public review phase attend one public meeting in the project area. FORA will be responsible for facilitating the public meeting. Public notice of this meeting will be included in the Notice of Availability. Prepare comprehensive documentation of the public meeting(s) and the Draft EIR circulation. This will include preparation of the Record of Public Meeting (including a certified transcript of the public meeting proceedings) and a Record of Draft EIR Circulation.

Responsibilities/Deliverables:

- **Consultant Team:** Screencheck Draft EIR, Public Draft EIR, distribution list, notices, meeting attendance and materials (e.g., PowerPoint presentation, agenda, displays, etc.), Record of Public Meeting, and Record of Draft EIR Circulation.
- **FORA:** Review and comment on Screencheck Draft EIR, posting Notice of Availability in Monterey Herald, finalize distribution list, reserve meeting venues, review and comment on presentation materials, facilitate meeting.

Task 6 – Respond to Public Comments & Prepare First Administrative Draft Final EIR

After the comment period for the public draft is closed, review the comments and begin preparation of the Final EIR. Work closely with FORA to prepare draft initial responses on the public comments on the Public Draft EIR and revisions to the Public Draft EIR, if required. Submit the First Administrative Draft Final EIR electronically to FORA for review and comment. This task assumes only one (1) round of comments on the First Administrative Draft Final EIR. Due to the controversial nature of the proposed project,

this scope and budget assumes a high level of effort to respond to public comments.

Responsibilities/Deliverables:

- **Consultant Team:** First Administrative Draft Final EIR
- **FORA:** Review and comment on First Administrative Draft Final EIR

Task 7 – Prepare Screencheck Draft EIR and Final EIR

7.1 Document Revisions

- Upon conclusion of the review of the First Administrative Draft Final EIR, revise the document based on comments and internal team direction and submit the Screencheck Draft Final EIR electronically to FORA for final comments prior to public distribution.
- Prepare a Draft Mitigation Monitoring and Reporting Program (MMRP) in accordance with CEQA requirements, and submit to FORA electronically for review and comment concurrent with the Screencheck Draft Final EIR review. The MMRP will document the impacts identified in the EIR, compliance and monitoring actions to be performed, responsible party(ies), and timing of compliance and monitoring activities.
- Incorporate minor comments anticipated on the Screencheck Draft EIR and Draft MMRP, and prepare the Final EIR and MMRP for public distribution. This task assumes only one (1) round of comments on the Screencheck Draft Final EIR.
- Provide copies of the Final EIR and MMRP on CD and in a pdf file so that it can be posted on the FORA website upon publication. Provide five (5) hard copies of the Final EIR and MMRP to FORA and thirty (30) CDs for public distribution. The Consultant Team will be responsible for distribution, utilizing the distribution list for the Public Draft EIR, which will be updated, if necessary, during this task with FORA input.

7.2 Project Management

- Provide up to twenty (20) hours of project management services to specifically assist FORA with the finalization of the CEQA process. These services may include assistance with the preparation of CEQA Findings, Resolution, and Staff Report. This task also includes preparing a draft and final Notice of Determination (NOD) within five (5) business days of project approval and EIR certification, and filing the NOD with the State Clearinghouse and Monterey County Clerk. This scope of work assumes project approval and EIR certification; however, if that does not occur, the NOD will not be prepared.
- Attend and participate at two (2) FORA Board meetings. FORA will be responsible for facilitating the presentation. Public notice of the meetings will be provided by FORA. This task will include the preparation of presentation materials, including a PowerPoint presentation and other

materials that may be required. A brief presentation on the environmental review process, public comments received, and impacts and mitigation measures identified in the Draft EIR will be provided. A public hearing will be held at the FORA Board meeting to solicit public comments on the approval of the project and EIR certification. The Consultant Team will be available to respond to public comments made during the hearing and address any questions from the public and Board of Directors.

7.3 California Department of Fish and Wildlife CEQA Filing Fee

- a. Please note that the budget includes a cost estimate for the California Department of Fish and Wildlife CEQA filing fee. The fee increases every year and assuming a similar increase from last year, it is estimated that the fee will be \$3,110; however, FORA will be billed the actual fee.

Responsibilities/Deliverables:

- **Consultant Team:** Final EIR and MMRP, Findings/Resolution/Staff Report assistance, and Draft and Final NOD, distribution list, meeting attendance and materials (e.g., PowerPoint presentation, displays, etc.),
- **FORA:** Review and comment on Screencheck Draft Final EIR and MMRP, publishing public hearing/FORA Board meeting notices, finalize distribution list, reserve meeting venues, review and comment on presentation materials, facilitate meeting presentations, and provide Draft Findings/Resolution/Staff Report to Consultant Team for review.

Task 8 – Meetings

8.1 Meetings and Coordination

- a. Attend and participate in a variety of meetings as necessary throughout the project either in person or on telephone conferences, including regular communication with FORA and others on the project team to address key issues and confer on environmental impacts and what types of actions are suitable for avoidance, mitigation or conservation measures. For meetings called by the Consultant Team, we shall prepare agendas and minutes with the action items, give presentations, and provide presentation materials as needed. A log of all action items will be maintained to ensure that the required actions occur. This scope of work assumes a budget of 80 hours.

Responsibilities/Deliverables:

- **Consultant Team:** Meeting attendance and participation, meeting materials
- **FORA:** Reserve meeting venues, review and provide meeting materials, facilitate meetings

Task 9 – Attorney Review and Coordination

Whitson Engineers shall retain the services of Jacqueline M. Zischke, Attorney at Law to provide environmental legal services on a time and materials basis as required for CEQA matters related to the Eastside Parkway project. Typical Services could include:

1. Review of Existing Materials, Project Description, and Alternatives to be included.
2. Legal Research and Memorandums.
3. Administrative Draft EIR Review and Discussions.
4. Review and Revisions to Public Notices.
5. Draft EIR Review and Discussions.
6. Final EIR Review and Discussion of Draft Responses.

Responsibilities/Deliverables:

- **Consultant Team:** Provide legal review of CEQA matters related to the Eastside Parkway project for the duration of the above Scope of Services.
- **FORA:** Provide direction and input on items to receive legal review.

Assumptions:

1. The EIR will be based on the 90% Submittal Eastside Parkway Improvement Plans dated September 2012 by Whitson Engineers.
2. The Draft Preliminary Initial Study Checklist (January 2012) and existing technical studies will be used to maximum extent possible.
3. Geotechnical Reports have been completed (October 7, 2010) and it is assumed that no updates will be needed.
4. Hydrology Reports were completed with the 90% Plans and it is assumed that no updates will be needed.
5. We have assumed the following 4 alignments to be studied with a traffic analysis:
 - a. No Eastside Parkway
 - b. Eastside Parkway along current planned alignment
 - c. Eastside Parkway alignment along 7th/8th Street and Inter-Garrison Road
 - d. Highway 68 bypass instead of the current Eastside Parkway alignment
6. Due to the controversial nature of the proposed project, this scope and fee assumes a high level of effort to respond to public comments, but no new technical analyses.
7. Legal review of CEQA matters related to the Eastside Parkway project will be provided on a time and materials basis per the following:
 - Principal / Of Counsel: \$360 per hour
 - Legal Clerk: \$195 per hour
 - Legal Assistant: \$160 per hour
 - Secretarial Services: \$35 per hour

Exclusions:

The following work is specifically excluded from the Scope of Services:

1. Completion of Project Plans beyond the current 90% design.
2. Payment of governmental fees, other than those noted above.
3. Land Surveying or staking/flagging of road alignments.
4. Soil Management Plans.
5. Monterey Salinas Transit Bus Rapid Transit (BRT) evaluation and coordination.
6. Additional technical studies other than those listed above.
7. Appraisals.
8. Any work not specifically included in the above Scope of Services.

Please note that the Consultant Team can provide any of the above services for an additional budget if specifically requested by FORA.

Draft Schedule Estimate for the Eastside Parkway CEQA Documentation		
	Task	Estimated Timeframe
1	Project Initiation/Data Collection	1 month
2	Confirmation and Finalization of Project Description and Alternatives	3 months
3	Agency Scoping, Preparation of NOP, and Summary of Comments	2 months
4	Prepare 1st Admin Draft EIR	4 months
5	Prepare Screencheck Draft and Public Draft EIR	4 months (1 month + estimated 3 month public review)
6	Prepare 1st Admin Draft Final EIR	2 months
7	Prepare Screencheck Draft Final EIR and Final EIR	2 months
8	Meetings	On-going
9	Attorney Review and Coordination	On-going
ESTIMATED TOTAL		Approximately 18 months

Note: Timeline is consecutive

Fee Summary

Eastside Parkway
CEQA DOCUMENTATION
Fort Ord Reuse Authority
Monterey County, California

Description of Work	Fee
1. Project Initiation/Data Collection	\$6,000
2. Confirmation and Finalization of Project Description and Alternatives	\$10,500
3. Agency Scoping, Preparation of NOP, and Summary of Comments	\$8,200
4. Prepare 1st Admin Draft EIR	\$281,400
4.1 Aesthetics/Visual	\$19,700
4.2 Air Quality	\$18,300
4.3 Biological Resources	\$8,700
4.4 Botanical Surveys	\$11,500
4.5 Update Biological Report	\$14,100
4.6 Cultural Resources	\$14,800
4.7 Geology/Soils	\$5,000
4.8 Greenhouse Gases & Climate Change	\$5,200
4.9 Hazards/Hazardous Materials	\$1,600
4.10 Hydrology/Water Quality	\$3,700
4.11 Land Use/Planning	\$4,800
4.12 Noise	\$11,500
4.13 Public Services	\$1,400
4.14 Recreation	\$5,900
4.15 Traffic & Circulation	\$33,200
4.16 Utilities & Service Systems	\$4,000
4.17 Other Statutory Sections	\$2,100
4.18 Indirect Impacts of Growth/Growth Inducement	\$3,400
4.19 Cumulative Impacts	\$10,300
4.20 Unavoidable Significant Adverse Impacts	\$600
4.21 Alternatives Analysis	\$100,300
4.22 Permitting, Consultation, & Coordination Section	\$1,300
5. Prepare Screen Check Draft and Public Review Draft EIR	\$25,300
6. Prepare 1st Admin Draft Final EIR	\$40,000
7. Prepare Screencheck Draft Final EIR and Final EIR	\$57,200
8. Meetings	\$39,400
9. Attorney Review and Coordination (Budget)	\$54,000
10. Reimbursable Expenses	\$6,100
Subtotal	\$528,100
Administration / Project Management	\$40,000
Total Fee Amount	\$568,100

**Fee Worksheet
August 2016
Eastside Parkway
CEQA DOCUMENTATION**

Task	Description	DD&A										Whitson Engineers				Total Budget Per Task		
		Principal	Senior Project Manager	Senior Planner	Senior Environmental Specialist	Assoc. Planner or Biologist	Assist. Planner	GIS	Word Processing/ Admin. Assistant	Graphics	Hours Per Task	Budget Per Subtask	Principal	Director of Civil Engineering	Associate Engineer		Hours Per Task	Budget Per Subtask
1	Project Initiation/Data Collection	1	6	2	2	8			2	2	23	\$ 2,819	4	12		16	\$ 3,160	\$ 5,979
2	Confirmation and Finalization of Project Description and Alternatives	2	4	18		8	14		4	8	58	\$ 6,612	4	16		20	\$ 3,920	\$ 10,532
3	Agency Scoping, Preparation of NOP, and Summary of Comments	2	8	10	4	4	16		6	4	54	\$ 6,244	2	8		10	\$ 1,960	\$ 8,204
4	Prepare 1st Admin Draft EIR																	\$ 144,942
Key Topics/Sections:																		
1	Aesthetics/Visual		7	8		10	16		4	20	65	\$ 6,487	8	16	60	84	\$ 13,200	
2	Air Quality		7	4		8	4		2	2	27	\$ 3,127				0	\$ -	
3	Biological Resources		3	2	4	6	30		4	6	55	\$ 5,403				0	\$ -	
4	Botanical Surveys		12			34	52	8	5	4	115	\$ 11,530				0	\$ -	
5	Update Biological Report		11		24	40	42		4	10	131	\$ 14,159				0	\$ -	
6	Cultural Resources		5	6			6		2		19	\$ 2,317				0	\$ -	
7	Geology/Soils		3	1			6		2	2	14	\$ 1,432				0	\$ -	
8	Greenhouse Gases & Climate Change		8	8		12	16		2		46	\$ 5,228				0	\$ -	
9	Hazards/Hazardous Materials		4	1			6		2	2	15	\$ 1,587				0	\$ -	
10	Hydrology/Water Quality		4	2		2	6		2	2	18	\$ 1,938	1	8		9	\$ 1,740	
11	Land Use/Planning		10	6		8	14		2	2	42	\$ 4,802				0	\$ -	
12	Noise		6	1		2	6		2		17	\$ 1,953				0	\$ -	
13	Public Services		4	2			4		2		12	\$ 1,398				0	\$ -	
14	Recreation		10	8		2	10		4	4	38	\$ 4,376		8		8	\$ 1,520	
15	Traffic & Circulation		14	6		20	24		4	8	76	\$ 8,148	2	8		10	\$ 1,960	
16	Utilities & Service Systems		4	1			6		2		13	\$ 1,437	2	8	4	14	\$ 2,520	
17	Other Statutory Sections		2	4		2	8		4		20	\$ 2,072				0	\$ -	
18	Indirect Impacts of Growth/Growth Inducement		6	8		4	8		2		28	\$ 3,358				0	\$ -	
19	Cumulative Impacts		18	18	10	12	18		2	6	84	\$ 10,312				0	\$ -	
20	Unavoidable Significant Adverse Impacts		2						4		6	\$ 550				0	\$ -	
21	Alternatives Analysis	10	12	22	24	18	30		4	8	128	\$ 16,134	8	40	40	88	\$ 14,960	
22	Permitting, Consultation, & Coordination Section		2	2		2	4		2		12	\$ 1,294				0	\$ -	
5	Prepare Screen Check Draft and Public Review Draft EIR	2	24	32	20	44	50		20	18	210	\$ 23,372	2	8		10	\$ 1,960	\$ 25,332
6	Prepare 1st Admin Draft Final EIR	2	40	80	40	60	48		16	12	298	\$ 36,486	2	16		18	\$ 3,480	\$ 39,966
7	Prepare Screencheck Draft Final EIR and Final EIR	2	60	50	40	52	60		30	18	312	\$ 36,806	4	20		24	\$ 4,680	\$ 41,486
8	Meetings	6	80		40		12		30		168	\$ 22,394	8	80		88	\$ 16,960	\$ 39,354
	Total Hours	27	376	302	208	358	516	8	171	138	2104		47	248	104	399		
	Hourly Rate	\$ 215	\$ 155	\$ 145	\$ 145	\$ 103	\$ 92	\$ 98	\$ 60	\$ 75			\$ 220	\$ 190	\$ 140			
	Total Labor Budget	\$ 5,805	\$ 58,280	\$ 43,790	\$ 30,160	\$ 36,874	\$ 47,472	\$ 784	\$ 10,260	\$ 10,350		\$ 243,775	\$ 10,340	\$ 47,120	\$ 14,560	\$ 72,020	\$ 315,795	
Subconsultants:																		
	Air Quality/Greenhouse Gas Emissions											\$ 15,153						
	Updated Forestry Report (including detailed Alternative Alignment Analysis)											\$ 11,550						
	Update Cultural Resources Report											\$ 12,513						
	Noise											\$ 9,570						
	Traffic: Updated Modeling (Base + 3 Alternatives)																\$ 46,200	
	Traffic: Evaluation of Roadway Alternatives																\$ 27,300	
	Traffic: Alternative Analysis Report																\$ 10,500	
	Traffic: Response to Comments (Allowance)																\$ 15,750	
	Geotechnical: Peer Review and Comment Response																\$ 3,600	
	Attorney: Review Existing Materials																\$ 9,000	
	Attorney: Legal Research and Memos																\$ 3,600	
	Attorney: Administrative Draft EIR Review and Discussion																\$ 25,200	
	Attorney: Review and Revise Public Notices																\$ 1,800	
	Attorney: Draft EIR Review and Discussion																\$ 3,600	
	Attorney: Final EIR Review and Discussion of Draft Responses																\$ 10,800	
	TOTAL SUBCONSULTANTS											\$ 48,785				\$ 157,350	\$ 206,135	
Expenses:																		
	Printing/Copying											\$ 1,500					\$ 250	
	Mileage/Communication											\$ 300					\$ 200	
	Miscellaneous											\$ 225					\$ 500	
	CDFW CEQA Filing Fee											\$ 3,110						
	TOTAL EXPENSES											\$ 5,135				\$ 950	\$ 6,085	
Administration/Project Management													\$ 40,113				\$ 40,113	
TOTAL BUDGET																	\$ 568,128	

WE WHITSON ENGINEERS

9699 Blue Larkspur Lane • Suite 105 • Monterey, CA 93940
831 649-5225 • Fax 831 373-5065

HOURLY RATE SCHEDULE

<u>Category</u>	<u>Hourly Rate</u>
Principal Engineer	\$ 220.00
Director of Civil Engineering	\$ 190.00
Senior Civil Engineer	\$ 180.00
Senior Land Surveyor	\$ 180.00
Civil Engineer	\$ 160.00
Land Surveyor	\$ 160.00
Senior Associate Engineer / Surveyor	\$ 150.00
Associate Engineer / Surveyor	\$ 140.00
Assistant Engineer / Surveyor	\$ 120.00
Senior Engineering / Survey Technician	\$ 115.00
Engineering / Survey Technician	\$ 110.00
Administrative Support	\$ 70.00
Engineering Aide	\$ 65.00
Expert Witness / Court Hearing	\$ 300.00
Field Surveying*	
One Person Survey Crew (Prevailing Wage)	\$ 175.00
Two Person Survey Crew (Prevailing Wage)	\$ 270.00
Three Person Survey Crew (Prevailing Wage)	\$ 380.00
Field SWPPP Monitoring	
SWPPP Inspector	\$ 105.00
Reimbursables	
Professional Services By Others	Cost Plus 15%
In-House Large Format Plotting / Copies (Black & White)	\$0.50 / S.F.
In-House Plots, Prints, Copies (Color/Special Media)	Rates vary, available upon request
In-House Prints / Copies (Black & White)	\$0.10/sheet for 8.5x11, \$0.50/sheet for 11x17
Materials, Postage, Reproduction, Telephone	Cost Plus 10%
Mileage	Per Current Federal Rate

*Survey Crew rates are Prevailing Wage
Rates effective January 1, 2016

#37



Denise Duffy & Associates, Inc.

PLANNING AND ENVIRONMENTAL CONSULTING

2016 SCHEDULE OF RATES

HOURLY PERSONNEL RATES

Principal	\$215.00
Senior Project Manager/Engineering Specialist	\$180.00
Senior Project Manager	\$155.00
Senior Botanist	\$145.00
Senior Planner/Scientist II	\$145.00
Project Manager	\$135.00
Senior Planner/Scientist	\$125.00
Assistant Project Manager	\$113.00
Environmental Biologist	\$108.00
Associate Planner/Scientist	\$103.00
Assistant Planner/Scientist	\$ 92.00
GIS/Computer Specialist	\$ 98.00
Administrative Manager	\$ 81.00
Database/Designer/Graphics	\$ 75.00
Field Technician	\$ 65.00
Administrative Assistant	\$ 60.00

Direct reimbursable expenses are charged at DD&A cost, plus 15%.
These expenses may include, but are not limited to: subconsultants, reproduction,
courier, postage, long-distance phone, fax and cellular, mileage and field supplies.

Mileage will be charged at the current IRS mileage rate.

Above rates are effective through 12/31/16 and may be adjusted thereafter.

Questions received on 9-16-2016 from Supervisor Parker's office:

- 1. Can we get a copy of the Whitson Contract? The amendment is just an amendment to a larger document that we don't have. We would like to see the entire contract.**

Response: Fort Ord Reuse Authority (FORA) staff responded by providing a copy of the Whitson contract on 9-19-2016.

- 2. TAMC got in trouble with Cal Trans for doing exactly what FORA is about to do with Whitson – add yet another amendment to a multi-year contract where the scope of original work is being expanded. Now, I understand Cal Trans has specific rules for agencies that accept Cal Trans money, and those rules required bidding the professional services contract that TAMC was extending. FORA is not necessarily subject to Cal Trans rules, but it does raise the question of whether potential funding sources for the Eastside Parkway have those same rules and whether failure to bid the EIR contract would preclude us from applying for money from that agency.**

Response: In early 2010, a selection panel of FORA unanimously selected Whitson Engineers pursuant to a Request for Qualifications/Request for Proposals (RFQ/RFP) process relating to infrastructure planning services associated with the California Central Coast Veterans Cemetery (CCCVC). Tasks identified in the draft RFQ/RFP included conceptual Eastside Parkway mapping and environmental reports such as biological surveys. In early 2011, the Whitson Agreement was amended to provide for further conceptual design of the Eastside Parkway, to examine the probable cost of the roadway, and provide analysis regarding the appropriate level of environmental documentation proposed for CEQA compliance. Pursuant to the Preliminary Initial Study and Draft Preliminary Initial Checklist produced by Denise Duffy & Associates in connection with the Whitson Amendment No. 2, preparation of an Environmental Impact Report (EIR) was recommended. Given Whitson Engineers' history and familiarity with the proposed project, FORA staff recommended preparation of the EIR through an amendment to the Whitson contract. Note that the February 2011 amendment to the Whitson Agreement provided for analysis of the necessary environmental documentation for the roadway via preparation of a Preliminary Initial Study and Draft Preliminary Initial Study Checklist "to identify any potentially significant impacts that may result from the project under CEQA" and thereby provide "a determination of the level of environmental documentation proposed for CEQA compliance."

FORA staff has researched federal and state grant requirements and spoken directly with Transportation Agency for Monterey County (TAMC) staff about their experience. Upon discussion with TAMC, FORA Staff concluded that one alternative approach would be to proceed with a re-opened selection process for environmental review to provide the greatest assurances in applying for and receiving future federal or state grant funds. This approach is further appropriate in consideration of, inter alia, the passage of time between Whitson's work relating to Eastside Parkway in connection with the CCCVC project, and FORA's continued interest in allowing Board and public input. The time impact should be a minor delay as the new solicitation process will take 2-3 months.

Questions received on 9-7-2016 from Supervisor Parker's office:

- 3. This is a single-source, no-bid contract for over half a million. Why shouldn't we bid this contract? There are other companies familiar with Fort Ord who may wish to bid.**

Response: See response to question #2 above. Staff concluded that proceeding with a re-opened selection process for an environmental review contract is an appropriate alternative for the Board to consider.

- 4. Why is this called a contract amendment and not a new contract? How can we amend a contract that hasn't been active in years?**

Response: The original contract, signed 05-28-2010, includes a provision under section 2. Term stating: "The term of the Agreement may be extended upon mutual concurrence and amendment to this Agreement." This provision allows for amendments to the original contract and does not set an expiration date disallowing future contract amendments.

In any event, see response to question #2 above. Staff concluded that proceeding with a re-opened selection process for an environmental review contract is an appropriate alternative for the Board to consider.

- 5. What is the procedure and legal difference in the approach to a new contract versus an amendment?**

The procedural difference is that FORA already conducted a selection process, pursuant to which FORA solicited Request for Qualifications/Request for Proposals (RFQ/RFP), and a selection panel unanimously selected Whitson Engineers to perform infrastructure planning services associated with the CCCVC, including conceptual Eastside Parkway mapping. FORA is within its procedures to amend its contract with Whitson Engineers. However, as set forth in response to question #2, FORA Staff recommends that the Board consider re-opening the selection process for an environmental review contract and/or authorize the Executive Officer to renegotiate the current contract subject to Authority Counsel review.

- 6. This road runs through the ESCA cleanup area, the area that has not yet been cleared by EPA and will not until 2019-2020 at best. At this point, FORA does not know whether it can build the road at that location – why spend \$550 on an EIR before we know the land is clear and when the road can be built? What is the urgency for building this road? The timing should not be dictated by the desires of one project applicant.**

The Environmental Services Cooperative Agreement (ESCA) area through which the proposed road would run has been cleared by FORA. The ESCA land is now under EPA review to sign off on the cleanup and allow transfer of the land from FORA to the underlying jurisdictions, and FORA is reasonably assured that funding remains in the ESCA program to complete additional fieldwork, should it be required by EPA. In 2009, the FORA Board prioritized funding for

Eastside Parkway with adoption of the Capital Improvement Program (CIP). Staff is working toward completing environmental review of Eastside Parkway to implement the Board's high priority setting for the proposed project, included in each approved FORA CIP since 2009. Practically speaking, the potential development of Eastside Parkway, which is estimated to cost \$18.2 million and is proposed to traverse the property of various jurisdictions, has been and will continue to be a lengthy process requiring many more steps and approvals. Pursuit of grant funding for the construction of the proposed Eastside Parkway promises to be a long and complex process. Moreover, now that development projects such as East Garrison and the Dunes of Monterey Bay are paying FORA Community Facilities District Special Taxes for new development, CIP projects show collecting sufficient dollars to fund the proposed road, if approved, occurring within the next few years. In light of the foregoing, working toward completing environmental review of Eastside Parkway is appropriate at this juncture.

7. Exactly how much revenue for transportation projects is expected from fees paid to FORA by the East Garrison project and the Dunes - how much has been collected to-date and how much total over the next 4 years? How much is expected from Marina Heights?

The 2016/2017 Capital Improvement Program addresses most of these questions on page 19, Table 4. Approximately 50% of these CFD dollars described below would be directed to Transportation/Transit obligations.

- *East Garrison project: approximately \$11.8 million (M) collected to date and \$12 M expected over the next 4 years.*
- *Dunes on Monterey Bay project: approximately \$6.5 M collected to date and \$7 M expected over the next 4 years.*
- *Marina Heights project: approximately \$ 93,000 collected to date and \$13.8 M expected over the next 4 years.*

8. What is the most current cost estimate for the Eastside Parkway?

The current cost estimate included in the adopted CIP is \$18.2 M. If Intergarrison, Gigling, and Eucalyptus Roads are added, the total cost would be approximately \$31.2 M.

9. The staff report called the Eastside Parkway a “base reuse plan roadway mitigation.” Please explain what that means. It is not listed as a mitigation in the BRP.

The original 1997 Base Reuse Plan (BRP) included a TAMC required list of road projects for FORA to complete as mitigations to the BRP. The BRP Final Environmental Impact Report (FEIR) identified Eastside Road, connecting Imjin Parkway to Gigling Road, as a transportation improvement (see Table 4.7-3 2015 Transportation Infrastructure Summary). The FORA list of road projects obligations is a subset of the TAMC Regional Transportation Improvement Plan. Those obligations were modified by TAMC in the 2005 FORA Fee Reallocation Study and the required list of BRP projects adjusted at that time. TAMC and FORA are currently completing analysis incident to the 2016 Fee Reallocation Study, which would inform the coming analysis.

10. Why were draft roadway plans needed to write the project description? I thought that was the purpose of the Eastside Parkway alignment agreement that is currently the subject of litigation.

In order to write a project description one must have at least a general idea of the location of project alternatives. Otherwise we would not know what alternatives we are studying. This does not mean that final roadway plans or alignments are locked in, only advanced far enough to allow for meaningful analysis. Draft Roadway plans are a necessary part of conducting an alternatives analysis which is a part of the EIR. It is not possible to analyze alternatives without descriptions of the various alternatives.

11. It certainly appears that alternative alignments have been rejected in past meetings that were not open to the public or in a noticed public meeting. Whitson had private meetings, including with Monterey Downs applicants, in order to devise a very particular alignment. This raises a concern that Whitson will be biased toward that alignment and will not give objective or fair consideration to alternatives that should be considered for the benefit of resource preservation and the communities' needs – this should not be about a particular project.

It is customary for staff and consultants to meet with various parties with an interest in a road project, particularly a regional road such as the proposed Eastside Parkway, which traverses the property of various jurisdictions. This includes potential neighbors and property owners, jurisdictions in which the thoroughfare traverses, members of the public, regional agency, and jurisdictional staff. While no specific alignments have been “approved” or “rejected” in connection with these meetings, the planning process requires some consensus among affected property owners as to the conceptual alignment for Eastside Parkway that would be analyzed under CEQA.

It is difficult to understand how Whitson would be “biased” toward a particular alignment. In fact, one could argue the opposite is true, given that Whitson stands to generate more in fees if any proposed conceptual alignment changes in connection with the environmental review process. In any event, see response to question #2 above. Staff concluded that proceeding with a re-opened selection process for an environmental review contract is an appropriate alternative for the Board to consider.

12. What does it mean that “during the environmental review process, the Board will have the discretion to approve the proposed project or project alternative” ? How can the approval occur “during” and not after the environmental review process?

Under the California Environmental Quality Act (CEQA), the FORA Board makes the final approval decision after weighing the evidence presented in the CEQA document and that includes comparison of various viable project alternatives. That occurs at the tail end of the CEQA process.

13. The Highway 68 bypass is not a viable project; it would be through a National Monument, it has different starting and ending points, serves a different traffic pattern need – it is not on TAMC’s study and not a feasible or “reasonable”

alternative per CEQA (see page 40 of 79). Please explain how you justify including this as an alternative given these factors.

The Project Alternatives to be studied can be adjusted by Board direction. The Alternatives to be studied, however, would need to have some degree of feasibility with the likelihood or ability to either acquire the necessary right of way or easement. Caltrans holds a roadway reservation through the National Monument and other former Fort Ord lands for a future Highway 68 bypass. So, the degree of feasibility would need to be further researched before such an Alternative would be presented. It is agreed that the scope of service negotiated with the consultant allows them to recommend what they consider in their professional judgment to be viable alternatives for comparison and study.

14. One of the EIR alternatives should be an Eastside Parkway alignment that is moved up to a half mile in any direction to avoid sensitive habitats, trailheads, etc , with the road starting and ending in approximately the same place. Do you disagree with this proposed alternative – if so why?

Provided the criteria noted in #13 above are met and project objectives can be met, Staff has no disagreement with analyzing proposed alternatives that are sensitive to habitats, trailheads, etc.

15. Another EIR alternative should be the original alignment of the Eastside Road as described on page 114 of the Base Reuse Plan. Do you disagree that this is a viable alternative to add, if so why?

TAMC adjusted the Eastside Road concept when it performed the 2005 FORA Fee Reallocation Study. At the time, it also relieved FORA of the obligation of contributing to the Highway 68 bypass and Fort Ord Expressway, which greatly reduced the acreage dedicated to roadways. The resulting route would connect General Jim Moore Boulevard to Eucalyptus Road to Eastside Parkway to Intergarrison Road. In the end, FORA is no longer funding a portion of the Highway 68 bypass, which would have taken many years to fund and build. The County renamed the facility 'Eastside Parkway' in early 2010. FORA staff or a consultant would have to study the viability of the original Eastside Road alignment before offering it as an Alternative.

16. Note that Whitson calls the “no project” alternative an “alignment” on page 49 or 79 – this needs to be corrected in the project scope.

Comment noted.

17. What is the starting and ending point of the road envisioned for the alternative that uses 7th/8th street to reach Intergarrison? Is it General Jim Moore Boulevard to Gigling to 7th or 8th?

This alternative would have to be studied in further detail by the consultant to respond. Roadway widening along the listed roadways in the question may be needed to accommodate increased average daily trips.

18. The proposed alignment never received agreement from CSUMB or MPC – does that matter? If not, then why did FORA include them in the MOA process?

FORA included the underlying jurisdictions and property owners in the MOA discussions in an effort to achieve general consensus about where the road might go and to facilitate ultimate transfer of right of ways to the County. As a practical reality in the potential development of a roadway that traverses the property of various jurisdictions, the planning process requires consensus among the affected property owners as to the conceptual alignment for the Eastside Parkway that would be analyzed under CEQA. That consensus was not achieved. CSUMB and MPC never signed the MOA. Therefore, the MOA, which was an agreement to do joint planning, is incomplete, ineffective, non-binding, and moot.

19. If FORA has 90% complete engineering drawings for the road, at what stage were the drawings when FORA got sued? What alternatives had been considered at that time? Did FORA consider other alternatives at that time or since that time? How much money did FORA spend after it got sued pursuing this one “preferred alternative” (page 42 or 79) How much will FORA spend if KFOR prevails in the litigation over the Eastside Parkway MOU?

90% completion refers to the level of detail in the drawing package and not to the status of completion. It does not mean that all alternatives have been finalized or only one alternative is to be considered. Under CEQA, it is customary to study multiple alternatives and, if viable, a ‘No Project’ Alternative. No additional dollars have been spent preparing ‘alternatives,’ because FORA did not yet have sufficient dollars available to build the project. It is likely that delays, including the lawsuit, will increase the final cost of the project. Note that the 90% drawings are labeled “NOT FOR CONSTRUCTION,” and the fact that 90% drawings exist does not preclude considerations of alternative alignments now or in the future.

FORA has spent approximately \$265,607 since November 2011 on Eastside Parkway engineering and environmental reports that began prior to November 2011.

It is not the purpose of this exercise to speculate about who will win or lose the lawsuit, and it is not appropriate to respond further given the pending litigation.

20. Will the County be reviewing the alternatives, and will the County have veto power over the alternative if it is on County land? If not why not? Has the County been asked for its suggested alternatives given that the entire road is in the County? Will the County need to approve the Eastside Parkway EIR?

FORA is the Lead Agency for the Eastside Parkway EIR and would make the final decision to certify the EIR itself. The County does not have veto power per se, but it would have to consent or be negotiated with regarding road right of ways, acquisition, right of entry, easements, and the like. Ultimately, FORA can retain land necessary to fulfilling its mission. FORA prefers to negotiate and work with adjacent jurisdictions and land owners to achieve consensus of all involved.

FORA intends to include County public works staff and other stakeholders in the roadway planning process. The County has the ability to address its concerns through multiple means, such as the environmental review scoping meeting and coordination meetings. The County, as Responsible Agency under CEQA, will have to make its own determinations as to the adequacy of the environmental review.

21. Will CSUMB be reviewing the alternatives? Will they have veto power with regard to CSUMB land? Will CSUMB need to approve the EIR if any portion is on their land?

The answer to this question about CSUMB is similar to the answer for #20.

FORT ORD REUSE AUTHORITY BOARD REPORT

BUSINESS ITEMS

Subject:	University of California Monterey Bay Education Science and Technology Status Report	
Meeting Date:	November 4, 2016	INFORMATION
Agenda Number:	8b	

RECOMMENDATION:

Receive a University of California Monterey Bay Education Science and Technology (UCMBEST) Status Report.

BACKGROUND:

In 1994 the University of California (UC) obtained approximately 1,000 acres of Fort Ord land, approximately 600 acres for habitat conservation, and 400 acres to provide research and development opportunities associated with the UCMBEST Center, which was to be managed by the UC Santa Cruz (UCSC) campus. Despite high aspirations, market demand for the Center has failed to meet expectations. Over the course of the last fifteen years, UC engaged in two unsuccessful attempts to partner with a master developer. The UCSC Campus has managed the property for more than 20 years.

UCSC Chancellor George Blumenthal announced in March 2010 that UC intended to shrink the footprint of the Center and consider alternative uses for peripheral lands. In response to a request from Congressman Sam Farr, a group of stakeholders was assembled to discuss and make recommendations regarding a future vision for UCMBEST Center lands. UCSC and the Fort Ord Reuse Authority (FORA) hosted a series of facilitated stakeholder meetings. Stakeholder recommendations from that effort are summarized in the 2011 UCMBEST Center Visioning Process Report (<http://bit.ly/1SBPITt>), and memorialized in a letter executed by stakeholders. Stakeholders agreed on the following intended outcomes:

- UC's presence continues to be valued. Stakeholders recommend that UC retain control of the UCMBEST Center;
- The local institutions of higher education (and potentially others) should be invited to join an advisory group to help guide the UCMBEST Center;
- UC to actively seek new UCMBEST Center tenants and work to streamline the approval process;
- UC peripheral lands may be used in the near term for economic development opportunities; and
- UC may be expected to retain and utilize reasonable revenues for development.

Next steps outlined in the 2011 Report include:

- 1) Convene a special Working Group meeting to explore potential federal initiatives;
- 2) Convene a meeting between UCSC and CSUMB to explore Eighth Street parcel uses;
- 3) Invite local higher education institutions to collaborate in supporting UCSC development of the UCMBEST Center and to establish a process for expanding the range of potential research uses;
- 4) Seek funding for entitlements and additional water resources; and
- 5) Complete entitlements.

While many of the recommendations above remain valid, continued stagnation at the UCMBEST project area has repeatedly raised Board and community concerns. Recently, following Board direction, the strengthening of Monterey County Economic Development staffing, and the hiring of a new FORA Economic Development Coordinator, efforts have renewed to catalyze reuse activity at UCMBEST. To this end a series of meetings were held in the fall of 2015 culminating with an Executive-level meeting at UCSC on December 22, 2015.

FORA staff and Board representatives met again with UC Santa Cruz representatives on 2/11/16, 3/4/16, and 3/17/16 to define paths forward including drafting a Memorandum of Agreement (MOA) on collaboration including establishment of a staff-level UCMBEST Working Group. Subsequently, UCSC presented at the March 11, 2016 FORA Board meeting to present the current UCMBEST project status and clarify their commitments to moving the project forward. The MOA was formally completed at the July 8, 2016 FORA Board meeting. Since then, bi-weekly status calls with UC Santa Cruz and Monterey County representatives have continued with the MOA collaboration and new development interests as the main focus.

DISCUSSION:

UCSC Vice President for Research, Scott Brandt will provide a UCMBEST status update including current and future efforts to catalyze activity at the UCMBEST Center.

FISCAL IMPACT:

Reviewed by FORA Controller .

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

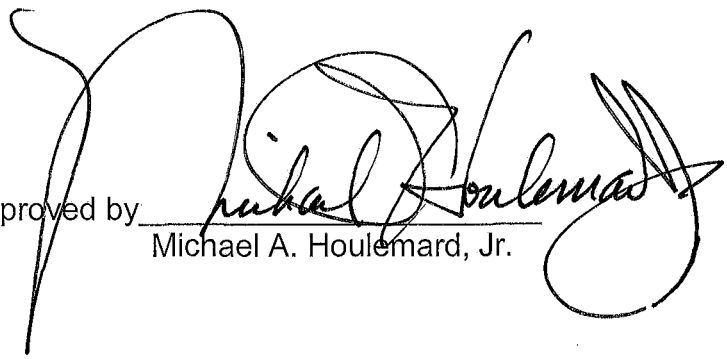
COORDINATION:

UCSC and Administrative Committee

Prepared by


Josh Metz

Approved by


Michael A. Houlemard, Jr.

FORT ORD REUSE AUTHORITY BOARD REPORT

BUSINESS ITEMS

Subject:	Consistency Determination: City of Del Rey Oaks Monument RV Resort	
Meeting Date:	November 4, 2016	INFORMATION/ACTION
Agenda Number:	8c	

RECOMMENDATION(S):

- i. Conduct a public hearing regarding City of Del Rey Oaks' (DRO's) General Plan and Zoning Code amendments, and recreational vehicle (RV) park development entitlements (RV Resort) and their consistency with the Base Reuse Plan.
- ii. Consider approving Resolution 16-XX (**Attachment A**), certifying that the RV Resort is consistent with the Fort Ord Base Reuse Plan (BRP).

BACKGROUND:

DRO submitted the RV Resort for consistency determination on Friday, October 21, 2016. The web link to the submission materials is as follows:

http://fora.org/Admin/2016/Additional/DRO_CD_submittal_10-21-16.pdf

This item is included on the Board agenda because the RV Resort includes General Plan amendments and Zoning Code amendments, which are Legislative Land Use Decisions requiring Board certification. With its submittal, DRO requested a Legislative Land Use Decision review of the RV Resort in accordance with section 8.02.010 of the Fort Ord Reuse Authority (FORA) Master Resolution. Under state law, (as codified in FORA's Master Resolution) Legislative Land Use Decisions (plan level documents such as General Plans, Zoning Codes, General Plans, Redevelopment Plans, etc.) must be scheduled for FORA Board review for consideration of certification under strict timeframes.

DRO's RV Resort submission materials also authorize grading and building permits, which are Development Entitlements requiring the Executive Officer to make a consistency determination with the BRP, which can be appealed to the FORA Board. To streamline processing, the Board's resolution (**Attachment A**) combines both Legislative Land Use Decision and Development Entitlement consistency determination findings. The RV Resort project buildout consists of 210 RV sites and 13,595 square feet of buildings on 53.86 acres.

Staff notes that DRO adopted the Monument RV Resort Initiative Measure (Initiative Measure) at its May 24, 2016 City Council meeting. California Elections Code sections 9215 and 1405(b) allow jurisdictions to adopt General Plan and Zoning amendments through initiative measures. Initiative measures are exempt from the California Environmental Quality Act (CEQA). The Initiative Measure describes in detail how the RV Resort would be less dense and intense than land uses contemplated in the 1997 DRO General Plan and its Environmental Impact Report (EIR) (previously certified as consistent with the BRP). The Initiative Measure also describes how the RV Resort implements DRO General Plan policies and FORA consistency criteria through compatible land use and design and is consistent with the BRP.

On October 26, 2016, the Administrative Committee reviewed this item and approved a motion recommending that the FORA Board certify DRO's RV Resort as consistent with the BRP.

DISCUSSION:

DRO staff will be available to provide additional information to the FORA Board on November 4, 2016. In all consistency determinations, we assert the following additional considerations.

Rationale for consistency determinations. FORA staff finds that DRO presented sufficient justification for making an affirmative consistency determination. Sometimes additional information is provided to bolster conclusions. In general, it is noted that the BRP is a framework for development, not a precise plan to be copied verbatim. However, the resource constrained BRP, section 3.11.5 FORA's Development and Resource Management Plan, sets thresholds that may not be exceeded without other actions, most notably 6,160 new residential housing units and a finite water allocation. More particularly, rationales for consistency analyzed are:

LEGISLATIVE LAND USE DECISION CONSISTENCY FROM SECTIONS 8.02.010 AND 8.02.020 OF THE FORA MASTER RESOLUTION

(a) In the review, evaluation, and determination of consistency regarding legislative land use decisions, the Authority Board shall disapprove any legislative land use decision for which there is substantial evidence support by the record, that:

(1) Provides a land use designation that allows more intense land uses than the uses permitted in the Reuse Plan for the affected territory;

The RV Resort would not establish a land use designation that is more intense than the uses permitted in the BRP since the RV Resort would provide for land uses less intense than those allowed by BRP.

(2) Provides for a development more dense than the density of uses permitted in the Reuse Plan for the affected territory;

Certification of the RV Resort would not permit an increase in density. The RV Resort would result in less dense land uses than permitted under the BRP.

(3) Is not in substantial conformance with applicable programs specified in the Reuse Plan and Section 8.02.020 of this Master Resolution;

The RV Resort is in substantial conformance with applicable programs.

(4) Provides uses which conflict or are incompatible with uses permitted or allowed in the Reuse Plan for the affected property or which conflict or are incompatible with open space, recreational, or habitat management areas within the jurisdiction of the Authority;

The RV Resort is compatible with open space, recreational, and habitat management areas.

(5) Does not require or otherwise provide for the financing and/or installation, construction, and maintenance of all infrastructure necessary to provide adequate public services to the property covered by the legislative land use decision;

DRO development within the former Fort Ord that is affected by the RV Resort will pay its fair share of the basewide costs through the FORA Community Facilities District (CFD) special tax and property taxes that will accrue to FORA, as well as land sales revenues.

(6) Does not require or otherwise provide for implementation of the Fort Ord Habitat Management Plan;

The Fort Ord Habitat Management Plan (HMP) designates certain parcels for "Development," in order to allow economic recovery through development while promoting preservation, enhancement, and restoration of special status plant and animal species in designated habitats. The RV Resort only affects lands that are located within areas designated for "Development with no Restrictions" under the HMP. Lands designated as "Development" have no management restrictions placed upon them as a result of the HMP. The RV Resort would not conflict with implementation of the Fort Ord HMP.

Additional Considerations

(7) Is not consistent with the Highway 1 Design Corridor Design Guidelines as such guidelines may be developed and approved by the Authority Board; and

The RV Resort is outside of the 1,000-foot Highway 1 Design Corridor Design Guidelines. Therefore, it is not subject to the Highway 1 Design Corridor Design Guidelines.

(8) Is not consistent with the jobs/housing balance requirements developed and approved by the Authority Board as provided in Section 8.02.020(t) of this Master Resolution.

The RV Resort would create additional visitor serving amenities on former Fort Ord land and employment opportunities. Job creation is an important BRP objective. The RV Resort is consistent with the jobs/housing balance approved by the FORA Board.

(9) Is not consistent with FORA's prevailing wage policy, section 3.03.090 of the FORA Master Resolution.

The RV Resort does not modify prevailing wage requirements for future development entitlements within DRO's former Fort Ord jurisdiction. DRO states in their submittal materials that DRO and the developer will comply with FORA's prevailing wage policy.

FISCAL IMPACT:

Reviewed by FORA Controller 

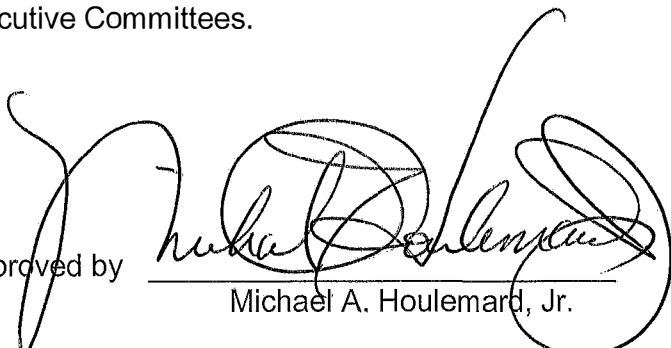
This action is regulatory in nature and should have no direct fiscal, administrative, or operational impact. The development subject to the RV Resort is covered by the FORA CFD special tax to ensure a fair share payment of appropriate future special taxes to mitigate for impacts delineated in the 1997 BRP and accompanying EIR. DRO has agreed to provisions for payment of all required fees for future developments in the former Fort Ord under its jurisdiction.

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

COORDINATION:

DRO, Authority Counsel, Administrative and Executive Committees.

Prepared by 
Jonathan Brinkmann

Approved by 
Michael A. Houlemard, Jr.

RESOLUTION NO. 16-xx

Attachment A to Item 8c
FORA Board Meeting, 11/4/16

A RESOLUTION OF THE GOVERNING BODY OF THE FORT ORD REUSE AUTHORITY *Certifying the City of Del Rey Oaks' General Plan and Zoning Code amendments, and recreational vehicle park development entitlements*

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

- A. On June 13, 1997, the Fort Ord Reuse Authority ("FORA") adopted the Final Base Reuse Plan ("BRP") under Government Code Section 67675, et seq.
- B. After FORA adopted the BRP, Government Code Section 67675, et seq. requires each county or city within the former Fort Ord to submit to FORA its general plan or amended general plan and zoning ordinances, and to submit project entitlements, and legislative land use decisions that satisfy the statutory requirements.
- C. By Resolution No. 98-1, the Authority Board of FORA adopted policies and procedures implementing the requirements in Government Code 67675, et seq.
- D. The City of Del Rey Oaks ("DRO") is a member of FORA. DRO has land use authority over land situated within the former Fort Ord and subject to FORA's jurisdiction.
- E. After a noticed public meeting on May 24, 2016, DRO adopted the Monument RV Resort Initiative Measure (Initiative Measure) consisting of amendment to the 1997 DRO General Plan and Title 17, Zoning, of the DRO Municipal Code, and authorization for grading and building permits (development entitlements) (collectively "RV Resort") concerning a proposed recreational vehicle ("RV") park on DRO lands, affecting lands on the former Fort Ord. Through its Initiative Measure, DRO also found that the RV Resort is consistent with the BRP, FORA's plans and policies and the FORA Act and considered the BRP Environmental Impact Report ("EIR") in their review and deliberations.
- F. On October 21, 2016, the DRO requested that FORA certify the RV Resort as consistent with FORA's BRP, certified by the Board on June 13, 1997. DRO submitted to FORA its RV Resort together with the accompanying documentation.
- G. Consistent with the Implementation Agreements between FORA and DRO, on October 21, 2016, DRO provided FORA with a complete copy of the submittal for lands on the former Fort Ord, the resolutions and/or ordinance approving it, a staff report and materials relating to DRO's action, and findings and evidence supporting its determination that the RV Resort is consistent with the BRP and the FORA Act (collectively, "Supporting Material"). DRO requested that FORA certify the RV Resort as being consistent with the BRP for those portions of DRO that lie within the jurisdiction of FORA.
- H. California Elections Code sections 9215 and 1405(b) allow jurisdictions to adopt General Plan and Zoning amendments through initiative measures. Initiative measures are categorically exempt from the California Environmental Quality Act ("CEQA"). The

Initiative Measure describes in detail how the RV Resort would be less dense and intense than land uses contemplated in the 1997 DRO General Plan and accompanying EIR previously certified as consistent with the BRP and how the RV Resort implements DRO General Plan policies and FORA consistency criteria through compatible land use and design and is consistent with the BRP.

- I. FORA's Executive Officer and the FORA Administrative Committee reviewed DRO's application for consistency evaluation. The Executive Officer submitted a report recommending that the FORA Board find that the RV Resort is consistent with the BRP. The Administrative Committee reviewed the Supporting Material and concurred with the Executive Officer's recommendation. The Executive Officer set the matter for public hearing regarding consistency of the RV Resort before the FORA Board on November 4, 2016.
- J. Master Resolution, Chapter 8, Section 8.01.020(e) reads in part: "(e) In the event the Authority Board refuses to certify the legislative land use decision in whole or in part, the Authority Board's resolution making findings shall include suggested modifications which, if adopted and transmitted to the Authority Board by the affected land use agency, will allow the legislative land use decision to be certified. If such modifications are adopted by the affected land use agency as suggested, and the Executive Officer confirms such modifications have been made, the legislative land use decision shall be deemed certified..."
- K. FORA's review, evaluation, and determination of consistency is based on six criteria identified in section 8.02.010. Evaluation of these six criteria form a basis for the Board's decision to certify or to refuse to certify the legislative land use decision.
- L. The term "consistency" is defined in the General Plan Guidelines adopted by the State Office of Planning and Research as follows: "An action, program, or project is consistent with the general plan if, considering all its aspects, it will further the objectives and policies of the general plan and not obstruct their attainment." This includes compliance with required procedures such as section 8.02.010 of the FORA Master Resolution.
- M. Master Resolution, Chapter 8, Section 8.02.010(a)(1-6) reads: "(a) In the review, evaluation, and determination of consistency regarding legislative land use decisions, the Authority Board shall disapprove any legislative land use decision for which there is substantial evidence supported by the record, that (1) Provides a land use designation that allows more intense land uses than the uses permitted in the Reuse Plan for the affected territory; (2) Provides for a development more dense than the density of use permitted in the Reuse Plan for the affected territory; (3) Is not in substantial conformance with applicable programs specified in the Reuse Plan and Section 8.02.020 of this Master Resolution. (4) Provides uses which conflict or are incompatible with uses permitted or allowed in the Reuse Plan for the affected property or which conflict or are incompatible with open space, recreational, or habitat management areas within the jurisdiction of the Authority; (5) Does not require or otherwise provide for the financing and/or installation, construction, and maintenance of all infrastructure necessary to provide adequate public services to the property covered by the legislative land use decision; and (6) Does not require or otherwise provide for implementation of the Fort Ord Habitat Management Plan."

N. Master Resolution, Chapter 8, Section 8.02.030(a)(1-8) reads: “(a) In the review, evaluation, and determination of consistency regarding any development entitlement presented to the Authority Board pursuant to Section 8.01.030 of this Resolution, the Authority Board shall withhold a finding of consistency for any development entitlement that: (1) Provides an intensity of land use which is more intense than that provided for in the applicable legislative land use decisions, which the Authority Board has found consistent with the Reuse Plan; (2) Is more dense than the density of development permitted in the applicable legislative land use decisions which the Authority Board has found consistent with the Reuse Plan; (3) Is not conditioned upon providing, performing, funding, or making an agreement guaranteeing the provision, performance, or funding of all programs applicable to the development entitlement as specified in the Reuse Plan and in Section 8.02.020 of this Master Resolution and consistent with local determinations made pursuant to Section 8.02.040 of this Resolution. (4) Provides uses which conflict or are incompatible with uses permitted or allowed in the Reuse Plan for the affected property or which conflict or are incompatible with open space, recreational, or habitat management areas within the jurisdiction of the Authority. (5) Does not require or otherwise provide for the financing and installation, construction, and maintenance of all infrastructure necessary to provide adequate public services to the property covered by the applicable legislative land use decision. (6) Does not require or otherwise provide for implementation of the Fort Ord Habitat Management Plan. (7) Is not consistent with the Highway 1 Scenic Corridor design standards as such standards may be developed and approved by the Authority Board. (8) Is not consistent with the jobs/housing balance requirements developed and approved by the Authority Board as provided in Section 8.02.020(t) of this Master Resolution.”

NOW THEREFORE the Board hereby resolves that:

1. The FORA Board acknowledges DRO’s recommendations and actions of May 24, 2016 requesting that the FORA Board certify that the RV Resort and the BRP are consistent.
2. The FORA Board has reviewed and considered the environmental information, the Initiative Measure, the 1997 DRO General Plan and accompanying EIR, the FORA resolution finding the 1997 DRO General Plan consistent with the BRP, and finds that these documents provide substantial additional information for purposes of FORA’s determination that the RV Resort and the BRP are consistent.
3. The FORA Board has considered all the materials submitted with this application for a consistency determination, the recommendations of the Executive Officer and the Administrative Committee, and the oral and written testimony presented at the hearings, all of which are hereby incorporated by reference.
4. The FORA Board certifies that the RV Resort is consistent with the BRP. The FORA Board further finds that the legislative land use decision and development entitlement are based in part upon the substantial evidence submitted and a weighing of the BRP’s emphasis on a resource constrained sustainable reuse that evidences a balance between jobs created and housing provided.

5. The RV Resort will, considering all its aspects, further the objectives and policies of the BRP. The DRO application is hereby determined to satisfy the requirements of Title 7.85 of the Government Code and the BRP.

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

AYES:

NOES:

ABSTENTIONS:

ABSENT:

Frank O'Connell, Chair

ATTEST:

Michael A. Houlemard, Jr.
Clerk

FORT ORD REUSE AUTHORITY BOARD REPORT

BUSINESS AGENDA

Subject: Transition Task Force

Meeting Date: November 4, 2016

Agenda Number: 8d

INFORMATION/ACTION

RECOMMENDATION:

Authorize the Executive Officer to 1) work with the State Legislative Offices to consider legislative extension of the Fort Ord Reuse Authority through 2030 and 2) sustain 2020 transition planning, risk/financial analysis and identify resource options.

BACKGROUND/DISCUSSION:

In April 2016, the Fort Ord Reuse Authority (FORA) Board chair convened an *ad hoc* committee to provide information and a recommendation to the Board regarding the 2020 FORA transition. On April 27, 2016, FORA staff presented a power point to the initial TTF meeting outlining potential courses of action and setting forth resources and revenue sources available to implement FORA's obligations. A series of six TTF meetings followed over the next six (6) months. After each presentation, the TTF requested that staff provide more information concerning risk and analysis of resource options.

- In early May, FORA staff was requested to catalog all "governing" agreements and documents and to provide summaries. FORA staff compiled the documents and made them accessible on the FORA web page. Prior to the May 25 meeting, FORA staff met with LAFCO officials and provided information about the feedback received from LAFCO about the dissolution process. Also at the May 25 TTF meeting, FORA staff reported that the list of documents was extensive and the requested legal summaries were in progress.
- At the July 13 TTF meeting, FORA staff presented a summary of the Economic Development Conveyance document and highlighted the complexity of issues and costs associated with that one document and noted there were over 80 documents that would require varying levels of analysis – in some cases rather detailed assessments would be necessary. Also at the July discussion, Special Legal Counsel, Barry Steinberg, presented the Environmental Services Cooperative Agreement (ESCA) and the outstanding post-2020 obligations associated with that contract. The FORA staff was then requested to provide additional summaries of "key" documents.
- FORA staff presented ten key contract summaries to the TTF at the August 2 meeting. TTF then requested FORA staff provide more financial analysis and risk assessment.
- In late August, (29th) FORA staff provided a financial analysis to the TTF, based upon the Board adopted FY 16-17 Capital Improvement Program. FORA staff presented the steps required of the jurisdictions, in the absence of a legislative extension, to effectuate a successful 2020 transition. Those steps generally included: negotiating new agreements relative to mitigation measure revenue and cost sharing and establishing fair share determinations; establishing a new agency; creation of financing districts to implement fair share obligations; reviewing and updating existing agreements and obtaining necessary consents from the Army or state regulators; and finally, evaluate staffing levels. Existence of new state law provisions were also noted that may offer an opportunity to generate resources.

FORA staff posited that the Committee consider recommending that the Board pursue a legislative extension and continue on a parallel track for a 2020 transition. At that August 29 meeting, Marina requested additional analysis on "off-loading" mitigations to TAMC, MCWD and others. The TTF also discussed changing Board policy to return some or all of FORA's share of land sales revenues to the jurisdictions. TTF requested staff provide additional information and analysis on these topics.

- The September 12 TTF meeting was cancelled in part due to the fact, that staff was unable to comply with existing staff demands and meeting TTF requests on such a short turnaround.
- At the October 24 TTF, staff gave a detailed scenario analysis - complete with a market adjustment to the CIP, continued to outline the assumptions, and risks. Staff continued to recommend that the TTF endorse moving ahead with extension through legislation and continue with 2020 transition planning. The scenario analysis appeared to indicate that there could be room to adjust FORA policy and return some revenues to the jurisdictions, but that policy shift would mean a longer implementation/recovery period. A draft potential fair share allocation of mitigation costs, based upon the CIP was also presented to the committee at their request. Ultimately, with Marina dissenting, the TTF recommended the Board approve the Executive Officer work with the legislative offices to seek a legislative extension through 2030 and continue with 2020 transition planning. Implicit in this recommendation is the knowledge that time is of the essence if the legislative option is to be pursued. This does not preclude exploring and identifying alternatives as the transition process continues, including additional analyses and/or validation. The TTF presentation materials can be found at <http://www.fora.org/Transitiontaskforce.html>.

On October 26, 2016, the Administrative Committee was given an update on the TTF recommendation. At that meeting, Marina requested they been given an exemption at the November 4 Board meeting from the three (3) minute comment limitation in order to present information to the Board not previously shared. The Administrative Committee recommended presenting this request to the Executive Committee for its consideration.

On October 26, 2016, the Executive Committee considered the TTF recommendation and also recommends Board approval at the November 2016 FORA Board meeting. It welcomed presentation by Marina (and others) under existing Board rules and procedures.

It is also anticipated that on October 31, 2016, the Legislative Committee will consider legislative extension in its 2017 Legislative Agenda recommendation to the Board.

FISCAL IMPACT:

Reviewed by FORA Controller 

Staff time/legal costs not fully anticipated but to date are within the approved annual budget.

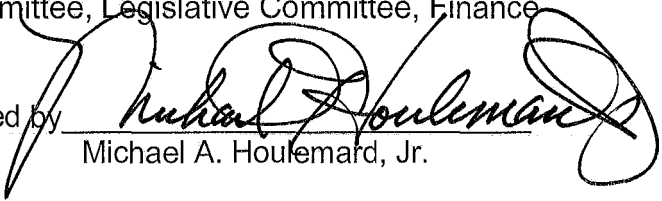
Earlier staff PowerPoint versions were presented to Finance Committee.

COORDINATION:

TTF, Administrative Committee, Executive Committee, Legislative Committee, Finance Committee, Legislative offices

Prepared by 
Steve Endsley

Approved by


Michael A. Houlemard, Jr.

FORT ORD REUSE AUTHORITY BOARD REPORT

BUSINESS ITEMS

Subject:	Authorize Industrial Hygienist Professional Services Solicitation	
Meeting Date:	November 4, 2016	ACTION
Agenda Number:	8e	

RECOMMENDATION(S):

Authorize the FORA Executive Officer to solicit, negotiate and execute a Professional Services contract for an Industrial Hygienist to support the former Fort Ord Stockade building removal not to exceed \$110,000.

BACKGROUND/DISCUSSION:

In 2006, The FORA Board included building removal in the Capital Improvements Program and determined Surplus II in Seaside, and the Stockade in Marina to be the remaining obligations. Between 2006 and 2016 the City of Seaside and Marina explored alternatives to building removal. **(Attachment A)**

The City of Marina owns and leases the stockade property. Early in 2016, FORA and Marina staff began Stockade removal discussions. Per last month's FORA Board report on Building Removal **(Attachment B)** FORA Staff has prepared an open solicitation **(Attachment C)** for professional Industrial Hygienist services which includes sampling, testing, characterizing hazardous materials and monitoring removal at the Stockade. In concert with the City of Marina, FORA staff has contacted the tenants at the Stockade site concerning the upcoming work.

FORA staff recommends the Board authorize the FORA Executive Officer to solicit, negotiate and execute a Professional Services contract for an Industrial Hygienist not to exceed \$110,000.


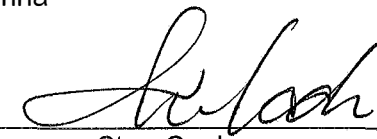
FISCAL IMPACT:

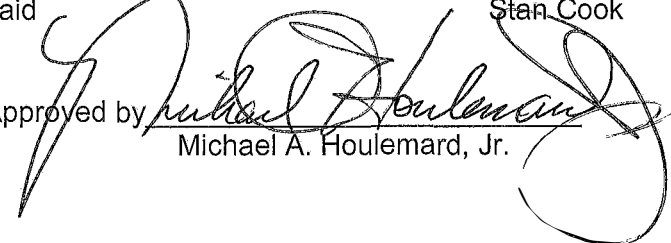
Reviewed by FORA Controller 

Funding for these building removal efforts is included in the approved FY 15-16 Capital Improvement Program and FY 15-16 FORA Budget.

COORDINATION:

Authority Counsel, Administrative Committee, Seaside, Marina

Prepared by  Peter Said Reviewed by  Stan Cook

Approved by  Michael A. Houlemard, Jr.

FORT ORD REUSE AUTHORITY BOARD REPORT

CONSENT AGENDA

Subject:	Fort Ord Reuse Authority Building Removal Program Update	
Meeting Date:	October 14, 2016	INFORMATION/ACTION
Agenda Number:	6f	

RECOMMENDATION(S):

Receive a FORA Building Removal Program Update

BACKGROUND/DISCUSSION:

The FORA Board has included building removal in the Capital Improvements Program and determined Surplus II in Seaside, and the Stockade in Marina are the remaining obligations. A summary of FORA's past building removal activities is attached (**Attachment A**).

Seaside Surplus II Hazmat and Building Removal

Seaside received the Surplus II area in 2005. The site has 27 large, multi-story concrete structures in close proximity to the California State University Monterey Bay (CSUMB) campus. The buildings are dilapidated, contain hazardous materials and are sites for vandalism and illegal dumping. On October 18, 2015, FORA issued a Request for Proposals (RFP) for Industrial Hygienist (IH) hazardous material sampling and testing services. On January 8, 2016, the Board gave the Executive Officer approval to execute a contract with Vista Environmental Consulting for Surplus II hazardous material sampling and testing, not to exceed \$175,000. In July, Vista delivered a Hazardous Materials Report which includes soils reports and cost estimates for material removal, environmental monitoring, and post-deconstruction soil survey. FORA staff coordinated with the Monterey Bay Unified Air Pollution Control District and the City of Seaside to review the report and ensure the deliverables were acceptable. The contract was closed under budget in July for \$166,371.

FORA staff made a presentation to the City of Seaside City Council and received concurrence (**Attachment B**) to move forward with a plan to restore the greatest amount of Surplus II property for economic development by removing 17 buildings (which include the "Rolling Pin" dorms/barracks, gym, armories, administration buildings and cafeteria) and clear overgrown vegetation while the "Hammerhead"-style dorms/barracks will be secured for safety and enclosed with permanent fencing. FORA staff are in the process of developing draft contract documents. FORA staff anticipates beginning Surplus II building hazmat abatement and removal in the third quarter of 2017.

Marina Stockade Removal Preparations

In 2007, FORA completed its WWII wooden building removal obligation in Marina under the Memorandum of Agreement between FORA, the City of Marina and Marina Community Partners. FORA's remaining obligation in Marina is the former concrete stockade building. Early in 2016, FORA and Marina staff began stockade removal discussions. The City of Marina owns the

FORT ORD REUSE AUTHORITY REQUEST FOR PROPOSALS FOR PROFESSIONAL CONSULTING SERVICES

The Fort Ord Reuse Authority (FORA) seeks proposals for professional Industrial Hygienist services under its capital improvement program authorized and funded by the FORA Board and the City of Seaside. Please note that FORA is working in cooperation with the City of Marina, and the City of Seaside. The detailed scope of services outlined in the request for proposals provides specific information regarding the services being requested.

Services being requested include, but are not limited to soil surveys, hazardous material surveys, waste characterization, and monitoring of hazardous material removal on the former Fort Ord. Options may be negotiated and added to the Contract to meet FORA's building removal needs. The service may be subject to FORA and State prevailing wage requirements.

The bidder shall be/have on staff/access to: American Board of Industrial Hygienists ("ABIH") Certified Industrial Hygienists ("CIH"), California Certified Asbestos Consultants ("CAC"), California Department of Public Health ("CDPH") Certified Lead Inspector/Assessor and Project Monitors.

The Contract Documents are available electronically and can be downloaded free from the FORA website: <http://www.fora.org/BuildingRemoval.html>

A compact disc of the electronic files is also available at the Fort Ord Reuse Authority (FORA) Office, Hard copies of the contract documents can be made available for a fee of \$130.

Note: Bidders will guarantee their submitted bid prices for 60 days. Amendments and Addenda will be posted on the FORA website. Prospective bidders are encouraged to check regularly and before final bids are submitted.

Interested consultants should submit proposals before close of business 17:00 on Friday, December 16, 2016 at the following address: FORA, 920 2nd Ave, Suite A, Marina CA 93933; PH (831) 883-3672, FX (831) 883-3500, Attn: Stan Cook, Senior Program Manager.

FORT ORD REUSE AUTHORITY (FORA)
REQUEST FOR PROPOSALS (RFP) for
PROFESSIONAL INDUSTRIAL HYGIENIST (IH) SERVICES
FORMER FORT ORD STOCKADE FACILITY

SCHEDULE OF EVENTS:

Event	Date:
Notification of Proposed Contract Opportunity	11/14/16
Mandatory Site Walk/Tour	11/28/16
Deadline To Submit Questions 5:00 PM (PT)	12/05/16
Deadline to Submit Proposals 5:00 PM (PT)	12/16/16
Interview Notification	12/21/16
Interview Date	01/06/16
Notice of Intent to Award	01/12/16
Estimated Notice of Award	02/14/16

Point of Contact:

Stan Cook
Senior Program Manager
Fort Ord Reuse Authority
920 2nd Ave., Suite A
Marina, CA 93933
Tel: 831-883-3672
Stan@FORA.org

List of Attachments:

- A. Site Location
- B. Site Map
- C. Cost Basis Template
- D. Sample Professional Services Contract

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SECTION I: PURPOSE AND GENERAL PROVISIONS

1. Purpose of Request

Fort Ord Reuse Authority (FORA) is seeking Professional Industrial Hygienist Services to support building removal of the former Fort Ord Stockade site in Marina, CA. FORA is seeking Best Value, Guaranteed Max Price proposals based on the proposed Scope of Work.

The estimated magnitude of the work is between \$60,000 and \$110,000
FORA's Statutory Cost Limitations for Stockade Building Removal is \$2,000,000

FORA's intent is to negotiate and enter into a **Professional Services Contract** with a respondent who will use the necessary disciplines and/or qualified sub-contractors/consultants to accomplish the scope required by FORA.

The final negotiated Scope of Work will be set forth in a **Contract** and change orders will be prepared on an as-needed basis. The **Contract** will remain in force for two (2) year or until the maximum dollar amount is expended. The Contract may be extended by FORA as deemed necessary by FORA. FORA does not guarantee that any amendments will be made under the **Contract** during the contract period to the selected firm.

2. Background

FORA was created by State legislation to oversee civilian reuse and redevelopment of the former Army base and remains the Department of Defense ("DoD") recognized local reuse authority for the former Fort Ord. It is FORA's responsibility to complete the planning, financing and implementation of reuse as described in the adopted 1997 Base Reuse Plan ("BRP"). The BRP opened the opportunity for negotiations with the Army to allow "no cost" transfer of redevelopment land to the local land use jurisdictions. The most significant contributing consideration that facilitated the below market and eventually "no cost" Economic Development Conveyance ("EDC") land transfer was the economic impact on local jurisdictions to accomplish cleanup and removal of over 90 years of Army residue, dilapidated buildings, contaminants, and end-of-life cycle utility infrastructure left behind such as the former military Stockade.

3. Location

The former Stockade site is located along the northern coastal area of Monterey County, and is approximately 125 miles south of San Francisco and 345 miles north of Los Angeles. The site is located within the jurisdictional boundaries of the cities of Marina. The regional location of the Site is illustrated in **Attachment A, Site Location**. Herein, the Fort Ord Stockade, including seven associated structures, will be referenced as Stockade or "the Site" as seen in **Attachment B, Site Map**.

4. Preliminary Description

The Fort Ord Reuse Authority (FORA) is seeking Industrial Hygienist ("IH") services to identify and support the removal of hazardous materials from a former military Stockade including seven associated structures within Marina's jurisdiction of the former Fort Ord land area in preparation for future building removal by others. Options may be negotiated and added to the Contract to meet FORA's building removal needs.

The Scope of Work, [SECTION II](#), is for the following professional IH services:

- Sample, test, identify and report on site soil background contaminate levels.
- Sample, test, identify and report on hazardous materials in the Stockade and seven associated structures.
- Prepare a hazardous material identification, characterization, and removal plan.
- Prepare an IH monitoring plan to monitor hazmat removal in preparation for building removal.
- Provide an estimate for IH services to monitor the hazardous material removal.
- Provide an estimate to sample, test, identify and report on site soil contaminate levels after building removal is complete.

The STOCKADE Building removal is funded from the Fort Ord Reuse Authority Land Sales Revenues and limited by its obligation to the City of Marina.

5. Submission and Delivery Instructions

Proposals will be accepted on or before the date/time indicated in the [“SCHEDULE OF EVENTS.”](#) Two (2) hard copies of the proposal, printed double sided, and one electronic copy (on a Thumb Drive) are required to be delivered to the FORA office. One of the two hard copies should be marked as the “Master Copy” and date stamped.

Proposals submitted by mail should be postmarked sufficiently in advance of the due date, and no later than listed in the “SCHEDULE OF EVENTS” to ensure delivery to the following address:

Stan Cook
Fort Ord Reuse Authority
920 2nd Ave., Suite A
Marina, CA 93933
Tel: 831-883-3672
Email: stan@FORA.org
Subject line: SURPLUS II RFP-S201

Proposals must be received no later than the time indicated in the [“SCHEDULE OF EVENTS.”](#) Delays due to the method used to transmit the proposal will be the responsibility of the proposer. The proposal must be completed and delivered in sufficient time to avoid disqualification for lateness due to difficulties in delivery. FORA reserves the right at its sole discretion to reject all proposals, to waive non-material defects and to limit the number of RFP proposal teams selected for interview.

6. Question and Clarification Process

Inquiries and request regarding this proposal shall be submitted in writing to Stan Cook at stan@fora.org , Subject line: SURPLUS II RFP –S202. If the subject line is not clear, it may result in a delayed response to the inquiry. Written questions will be answered in writing via an RFP Addendum, posted on the FORA website www.fora.org and sent to RFP responders. Respondents are required to submit RFP Addenda with the bid package. Oral statements concerning the meaning or intent of the contents of this RFP by any person will be considered anecdotal and invalid.

The last day respondents may submit questions about or request clarification of the requirements of the RFP will be as indicated in the "[SCHEDULE OF EVENTS](#)" for the Deadline To Submit Questions.

7. *Errors and Omissions*

If a Respondent discovers any ambiguity, conflict, discrepancy, omission or other error in the RFP or any of its attachments, Respondent shall notify FORA in writing of such error(s) and request modification or clarification of the RFP. Modifications and Clarifications will be made by RFP Amendment, posted on the FORA website www.fora.org and sent to RFP responders. All clarifications will be distributed electronically. Any clarifications must be requested by the date listed in the "[SCHEDULE OF EVENTS](#)" for the Deadline To Submit Questions.

8. *Completion of Proposal*

Respondent submissions shall be complete and respond to all requirements in this RFP. A submission may be rejected if conditional or incomplete information is provided, or if it contains any alterations or other irregularities which could materially affected the quality of the selection process. Submittals which contain false or misleading statements or which provide references that do not support an attribute or condition claimed by the proposer may be rejected. If, in the opinion of FORA, such information was intended to mislead FORA in their evaluation of the firm, and their attributes, condition, or capabilities as a requirement of this RFQ, the submittal will be rejected. Statements made by the respondent shall also be without ambiguity, and with adequate elaboration, where necessary, for clear understanding. FORA reserves the right at its sole discretion to reject all proposals, to waive non-material defects and to limit the number of RFP proposal teams selected for interview.

9. *Withdrawal of Proposal*

Respondents may withdraw a submittal by written request.

10. *Cancellation*

While it is the intent of FORA to proceed with building removal, this solicitation does not obligate FORA to enter into an agreement. FORA retains the right to cancel this RFP at any time should the building removal be cancelled, lose funding, or it is deemed in FORA's best interest. No obligation either expressed or implied, exists on the part of FORA to make an award or to pay any cost incurred in the proposal preparation or submission.

11. *Award of Contract*

FORA reserves the right to award one or more contracts. A "Notice of Intent to Award" will be posted publicly for five (5) consecutive FORA business days prior to the award. Written/e-mail notification will be made to the unsuccessful proposers. Proposals will become public documents subject to disclosure laws after the Notice of Intent to Award. Evaluation methodology and basis for award are described in Section IV.

12. *Submittal Disposition*

Submittals become the property of FORA. The information contained within the proposals shall be held confidential until the date the award of this contract is officially made. Information contained in the received proposals becomes public property after that date and may be subject to disclosure laws. In order to protect any proprietary information from public

disclosure, the Respondent must identify any information as such upon submission, must request protection of such information, and must state the reasons why protection is necessary, under the public disclosure laws. FORA reserves the right to make use of any information or ideas contained in submittals. All materials, ideas, and formats submitted in response to the RFP will become the property of FORA on receipt and may be returned at FORA option and at the Respondent's expense.

13. *Non-Endorsement*

If a submittal is accepted, the Respondent shall not issue any news releases or other statements pertaining to the award of an agreement which state or imply FORA endorsement of the Respondent's services.

14. *Payment Terms*

Payment within 30 days of delivery of each hard copy invoice. Invoices to be provided within 15 days of FORA's acceptance of each deliverable.

15. *Prevailing Wage*

To be considered, respondent must provide proof of DLIR Registration in the proposal.

If applicable, the respondent must demonstrate compliance with the following FORA Prevailing Wage Requirement per FORA Master Resolution §1.01.050 and §3.03.090, as determined by the Director of the Department of Industrial Relations under Division 2, Part 7, Chapter 1 of the California Labor Code to workers performing "First Generation Construction."

End of Section I

SECTION II: PROPOSED SCOPE OF WORK AND DELIVERABLES

1. Proposed Scope of Work

The respondent will quote the proposed Scope of Work using the form provided in Section II (2) Cost and Schedule Proposal. The respondent may submit a critique of the Scope of Work presenting alternate means/methods options or solutions. FORA is interested in developing a thorough Scope of Work and deliverable list that can decrease hazmat removal and demolition costs. A Final Scope of Work will be completed and detailed prior to execution of a Professional Services Contract.

Task 1 – Perform a Site Soil Background Survey of the Stockade Site:

The Respondent is required to conduct a site soil background survey consisting of:

Building Soil Samples

Composite Soil Samples around the building are required of native surface soils 6 inch deep within 10ft of the building perimeter.

- a. Title 22 (CAM 17) metals
- b. Polychlorinated Biphenyls (PCB's)
- c. Asbestos
- d. Lead

Site Area Samples

Site Soil samples of native surface soils 6 inch deep are required in the exposed soil areas within the Stockade driveway perimeter. (No samples are required in paved or asphalted area's.)

- a. Title 22 (CAM 17) metals
- b. Polychlorinated Biphenyls (PCB's)
- c. Asbestos
- d. Lead

Deliverables:

- 1.1 *Three Hard Copies and One Digital Master (PDF) on a thumb drive of Final Soils Report with executive summary, to include 1) all test reports, 2) an excel file recording the location of each sample taken, and 3) test results attached.*
- 1.2 *PowerPoint presentation summarizing the Final Report.*

The Respondent is required to provide FORA one (1) editorial review of the documentation.

Task 2 –Hazardous Materials Survey and Testing of the Stockade Site

The Respondent is required to conduct and document a hazardous material surveys in and around the Stockade building and its associated towers and support buildings See **Attachment B, Site Map**, Buildings 4950, 4951, 4952, 4953, 4954, 4955, 4956 and 4957. The Respondent is required to submit samples to a California certified laboratory, accompanied by a chain of custody form.

Asbestos Survey

Comprehensive destructive assessment meeting Cal-OSHA regulations for the number of samples per material categories and the Monterey Bay United Air Pollution Control District regulatory requirements to “Thoroughly Inspect” prior to demolition is required. Positive data from past historical surveys may be used, but will not be sufficient to complete this task.

- a. Bulk Samples analyzed by Polarized Light Microscopy (PLM) sufficient to classify each material in each room.
- b. 400 point count test for wall & joint compound samples and each friable material found in large quantities and tested below 3% by PLM.

Lead Based Paint Survey

Lead XRF screening of interior and exterior wall coatings and other building materials (such as ceramic tiles).

- a. XRF test of each wall color, in each building wing and floor level
- b. Notate the point where the XRF test was taken (i.e. on the wall) in large black writing, and denoting the XRF result.

Polychlorinated Biphenyl (PCB) Assessment

Sampling of PCB's is required and samples shall be sent to an accredited laboratory for chemical extraction and analysis using EPA's SW-846 Method 3500B/3550B, followed by Method 8082.

- a. One sample of light ballast liquid from each building
- b. One sample for each Oil Based transformers
- c. One sample for Concrete Adjacent to Oil Based Transformers

Biohazard Assessment

An assessment of the sites biohazards (non-military) is required

Deliverables:

- 2.1 *Asbestos PLM and 400 point count sample test results.*
- 2.2 *XRF test results with test locations and test numbers (Excel File)*
- 2.3 *PCB sample test results*
- 2.4 *Bio-Hazard Assessment Report*

The Respondent is to provide FORA one (1) editorial review of the documentation.

Task 3 –Waste Profiles and Building Reports of the Stockade Site

Waste Profiles

The Respondent is required to profile non-recyclable material by material type. Each category of material shall be listed by building. Each building will be tested for Title 22 CAM 17 metals (TTLC) and Lead (STLC). Materials include, but are not limited to:

- Non-Asbestos building materials
- Ceramic Tile and Mortar Beds
- Interior Paints on Structural Concrete
- Exterior Paints on Structural Concrete

Building Reports

The Respondent is required to prepare a final report of the Hazardous Material Survey. The final report is required to report on each building and include: 1) hazardous waste profiles for each homogeneous material type in each building, 2) all test results, and 3) Drawings for each building identifying sample locations, and location of material types in each building report. FORA shall be provided one (1) editorial review of the documentation prior to final signatures.

Deliverables:

- 3.1 *Final Report – Three Hard Copies and One Digital Master (searchable PDF) on a USB*
- 3.2 *PowerPoint Summary of the Final Reports for each building*
- 3.3 *Building Drawing/Test Location files (DWG or DXF digital files)*

Task 4 – Stockade Hazmat Removal Monitoring Plan

The Respondent is required to provide an IH hazardous material removal monitoring plan for the buildings. The plan shall be developed by a certified designer which will clearly outline the metrics to be measured.

Deliverables:

- 4.1 *Hazardous Material Removal Monitoring Plan*

Option A - IH Monitoring Services:

In addition to the IH hazardous material remediation monitoring plan, the Respondent is required to provide a cost+fee proposal to provide the monitoring services for the plan developed above. Submit proposal for this option using **Attachment C, Basis for Cost Proposal**.

Deliverables:

- A.1 *IH Hazmat Removal Monitoring Services Report with executive summary, and all test reports attached including an excel file recording sample locations and test results.*
- A.2 *PowerPoint IH Hazmat Removal Monitoring Services*

Option B – Stockade Site Soil Confirmation Survey

Perform soil sampling with the same scope and locations as **Task 1** above, after completion of the Stockade building removal. The Respondent will include a cost+fee proposal to

sample and a summary report comparing the findings to the baseline soil background survey conducted during **Task 1** above. Submit proposal for this option using **Attachment C, Basis for Cost Proposal**.

Deliverables:

B.1 Site Soils Comparison Report with executive summary, and all test reports attached including an excel file recording sample locations and test results.

B.2 PowerPoint Site Soils Comparison Report

Option C – On-Call Fort Ord Professional IH Services

FORA is seeking a fixed fee schedule for on-call services. Future services will be located on the former Fort Ord and will be identified by FORA through work orders. Future services may include any combination of estimating, work planning, survey's, material testing, inspection, monitoring, and report writing. Submit proposal for this option using **Attachment C**.

C.1 Fixed Fee Schedule

2. Cost and Schedule Proposal

Please provide a cost estimate for each deliverable and the proposed delivery schedule in Weeks After Contract Award (WACA). FORA may request a **Basis for Cost Proposal, Attachment C** prior to an interview.

DELIVERABLES:	Weeks after Award	COST:
1. Perform a Site Soil Background Survey:		
1.1 <i>Final Soils Report with executive summary</i>		
1.2 <i>PowerPoint presentation summarizing Final Soils</i>		
2. Hazardous Materials Survey and Testing		
2.1 <i>Asbestos PLM and 400 point count sample test results</i>		
2.2 <i>XRF Survey test results</i>		
2.3 <i>PCB sample test results</i>		
2.4 <i>Bio-Hazard Assessment Report</i>		
3. Waste Profiles and Building Reports		
3.1 <i>Final Report</i>		
3.2 <i>PowerPoint Summary of the Final Report</i>		
3.3 <i>Building Drawing/Test Location files</i>		
4. Stockade Hazmat Removal Monitoring Plan		
<i>Total for Deliverables 1 thru 4 above</i>		
OPTION A: IH Monitoring Services	N/A	
OPTION B: Stockade Site Soil Confirmation Survey	N/A	
<i>Total for Options A & B above</i>	N/A	
OPTION C: On-Call Fort Ord Professional IH Services	N/A	Use Attachment C

3. Agreement of Professional Services

See **Attachment D, Professional Services Contract** for an Example of the Professional Services Contract to be used after successful selection of a Respondent.

Prior to the execution of a contract the successful Respondent will be required to provide FORA with a Certificate of Liability Insurance naming FORA as additional insured and proof of Workers Compensation Insurance.

4. Addenda

FORA may modify this RFP, any of its key action dates, or any of its attachments, appendices or exhibits prior to the date fixed for submission of proposals, by an e-mail issuance of an RFP Addendum to the parties who have responded to the RFP for submittal purposes. RFP Addenda will be numbered consecutively. No RFP Addenda will be issued during the last week of the proposal period. It is the responsibility of the proposer to provide their correct email address in order to receive electronic addendum notices. It is required to submit the issued RFP Addenda with the bid package.

5. Respondent’s Cost

Costs for developing proposals are entirely the responsibility of the Respondent and shall not be chargeable to FORA.

6. Additional Requirements

Federal and/or State regulations may require a Bird and Bat Survey (BBS) if work is performed within a regulated time window. Please determine if a BBS is a requirement for the proposed work and provide a statement to that end. Please provide a line item in the schedule and the budget clearly delineating the expected timing and cost. (\$0 is an acceptable amount)

END of SECTION II

SECTION III: SCHEDULE OF EVENTS

CRITICAL EVENTS AND DATES:

Event	Date
Notification of Proposed Contract Opportunity	11/14/16
Mandatory Site Walk/Tour	11/28/16
Deadline To Submit Questions	5:00 PM (PT) 12/05/16
Deadline to Submit Proposals	5:00 PM (PT) 12/16/16
Interview Notification	12/21/16
Interview Date	01/06/16
Notice of Intent to Award	01/12/16
Estimated Notice of Award	02/14/16

End of Section III

SECTION IV: EVALUATION CRITERIA

1. Evaluation Process

FORA staff will evaluate all proposal submittals. The evaluation process will consider all required information. Each criterion will be scored based upon a pre-determined point system described below. Interviews with the highest-ranking teams may be scheduled at the sole discretion of FORA staff. FORA reserves the right at its sole discretion to reject all proposals, to waive non-material defects and to limit the number of RFP proposal teams selected for interview.

2. Interview Questions:

- Please explain your firm's understanding of FORA's problem and needs.
- Please describe your organization in terms of purpose, structure, and financial health
- Would you tell us about the key personnel assigned to this project, their professional qualifications and how much of their time will be committed to this project.
- What other obligations do you have or expect to have which run concurrently with our project?
- What is the level of effort for those obligations?
- How are unanticipated complications and delays handled; and, how will you ensure uninterrupted delivery of service?
- .What technical problems have you had on similar jobs & how did you cover come these problems in respect to cost and schedule?
- Please briefly tell us about a project of similar size and scope to the Marina Stockade.
- Did you meet or beat schedule/cost? How? What was your SPI/CPI?
- What is the proposed work plan?
- Please explain the schedule, milestones, expected results, and deliverables timelines
- FORA requires regular reporting on project status, updated schedule, estimated time to completion (ETC), etc... Please identify the Project Manager and explain their communications plan
- Please provide an example of your invoice, and explain your invoicing process in terms of the identified deliverables.

FORA reserves the right to ask further clarifying questions, as needed

3. Preliminary Proposal Evaluation Criterion & Weights

Criteria	Points	
Narrative	10	<p>Does the proposing firm understand the agency's problem or needs?</p> <p>Can the proposer fit this work into its existing obligations?</p> <p>Is the approach to the problem, recommended method, and procedure reasonable and feasible?</p> <p>Does the firm have the organization, management capability and competency, fiscal and personnel resources, and experience to perform the services being sought?</p> <p>What are the professional qualifications of the personnel that the firm will commit to the project?</p>
Cost	30	<p><i>Lowest Bid</i> <i>Other Bid</i> X (Max Points) = 'Other Bid' awarded points</p> <p>20 Points Max for the sum of Task 1-4</p> <p>10 Points Max for the sum of Option A & B</p>
Schedule	20	<p>Do the expected results, outcomes, and deliverables appear to be achievable in a timely manner, given the approaches, methods and procedures proposed?</p> <p>Does the proposer appear to be capable of handling and resolving unanticipated complications and delays without interrupting the delivery of services?</p> <p>Are any proposed timelines for performance presented by the proposer feasible</p>
Fully Responsive	10	Has the proposer addressed all goals, objectives, service demands, and required deliverables specified in the RFP?
<u>Interviews</u>	30	
		Can the proposer fit this work into its existing obligations?
		Has the firm had experience performing work of a similar nature, size, and scope?
		Does the proposer's experience complement the services being sought, or is the proposer's experience appropriate to qualify the proposer to perform these services?
		What are the professional qualifications of the personnel that the firm will commit to the project?
		Has the proposer allocated sufficient staff resources?
Total	100	

End of Section IV

SECTION V: RESPONDENT PROPOSAL

1. Proposal Format and Content

Respondent must comply with the following qualifications and requirements to be given consideration.

Proposals must be submitted in the format identified below. Proposals shall have a table of contents clearly identifying each section, must be divided into the individual sections listed below, indexed, and tabbed. Proposals must be bound printed double-sided, and provide one electronic copy on a CD or DVD. Please note that the maximum number of pages allowed under each section is stated below. Font size shall be 11 point and in Times New Roman or Arial.

- A. COVER LETTER (1 page max)**
- B. NARRATIVE (4 pages max)**
 - 1. Management Approach
 - 2. Technical Approach
 - 3. DLIR Registration Number
- C. COST PROPOSAL (2 pages max)**
- D. SCHEDULE (2 pages max)**
- E. WORK SCOPE CRITIQUE/SUGGESTIONS(2 pages max)**

2. Completeness of Proposal

To be considered responsive to the RFP requirements, Respondents shall furnish Items A, B, C and D listed above. FORA reserves the right at its sole discretion to reject all proposals, to waive non-material defects and to limit the number of RFP proposal teams selected for interview.

3. Submittal Procedure

Two (2) hard copies of the proposal shall be submitted, at least one of which shall be identified as “master copy” and shall contain original signatures. Proposers will submit one copy electronically on a CD or DVD. Proposals received after this time will not be accepted. FORA reserves the right to duplicate or disseminate for internal use any material provided. All submittals become the property of FORA.

The submittal package shall be delivered to:

Stan Cook
 Senior Program Manager
 Fort Ord Reuse Authority
 920 2nd Ave., Suite A
 Marina, CA 93933
Attention: Stan Cook

Faxed and emailed submittals shall not be accepted. The entire submittal package shall be sealed and include the name and address of the firm on the outside of the package; it shall be addressed as indicated above. The outside of the package should also indicate that it contains "**Stockade RFP, Professional Industrial Hygienist Services, FORA.**" Each firm is solely responsible for the timely delivery of its package by the deadline prescribed. FORA will not be responsible for delays regardless of the reason. Failure to meet the submission deadline will result in disqualification from consideration.

4. Reference Documents:

- Fort Ord Reuse Authority, MASTER RESOLUTION, Adopted March 14, 1997, Amended February 13, 2014

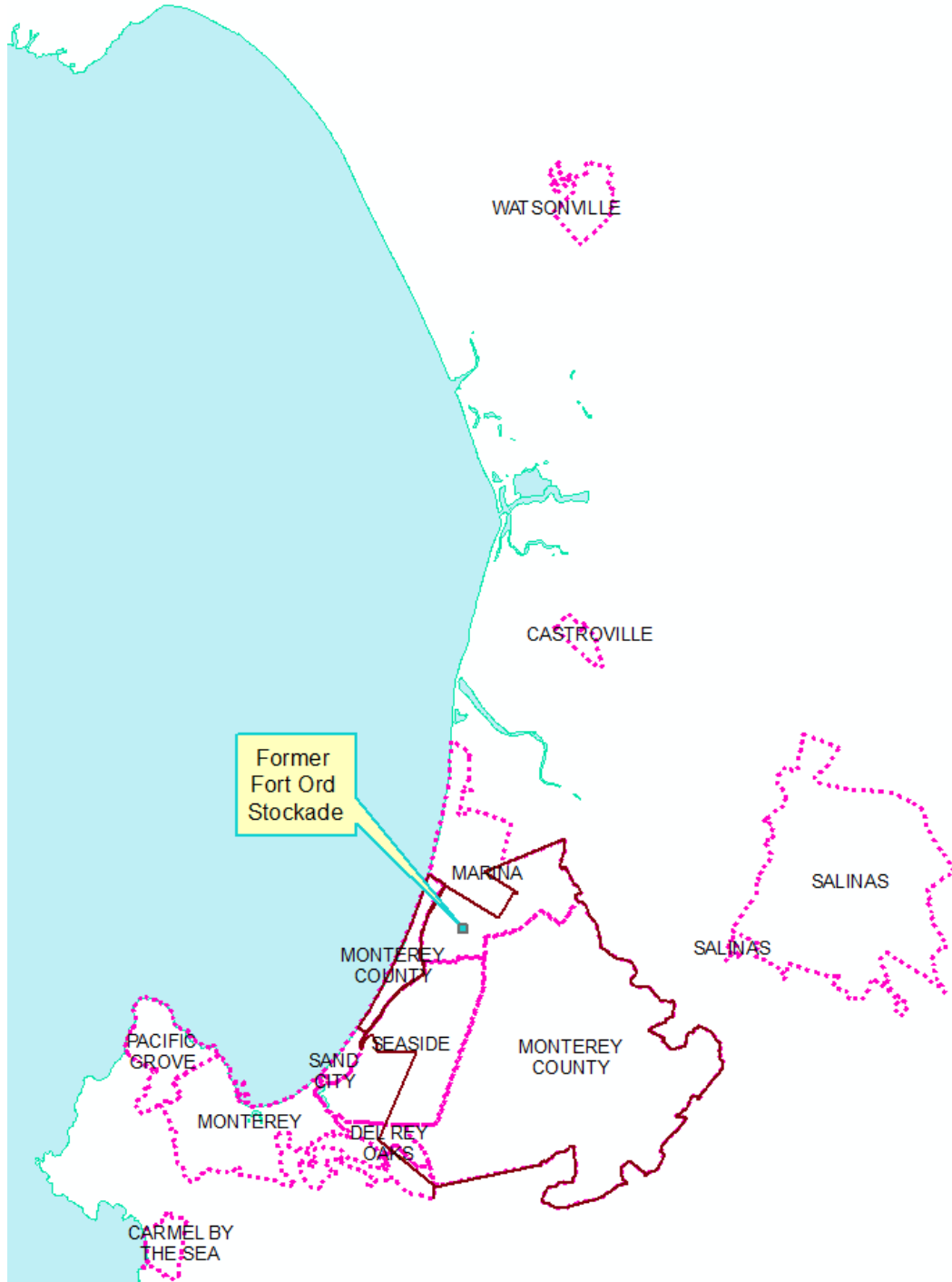
Online Resources

In carrying out this work a number of documents from various sources may be reviewed:

- [ARMY BRAC OFFICE](#); POC Melissa Broadston, 831-393-1284
- [FORA Website](#)
- [Base Reuse Plan](#)
- [Reassessment Report](#)
- [Monterey Bay Unified Air Pollution Control District](#)
- [Marina Coast Water District](#)
- [Surplus II Hazardous Materials Survey](#)

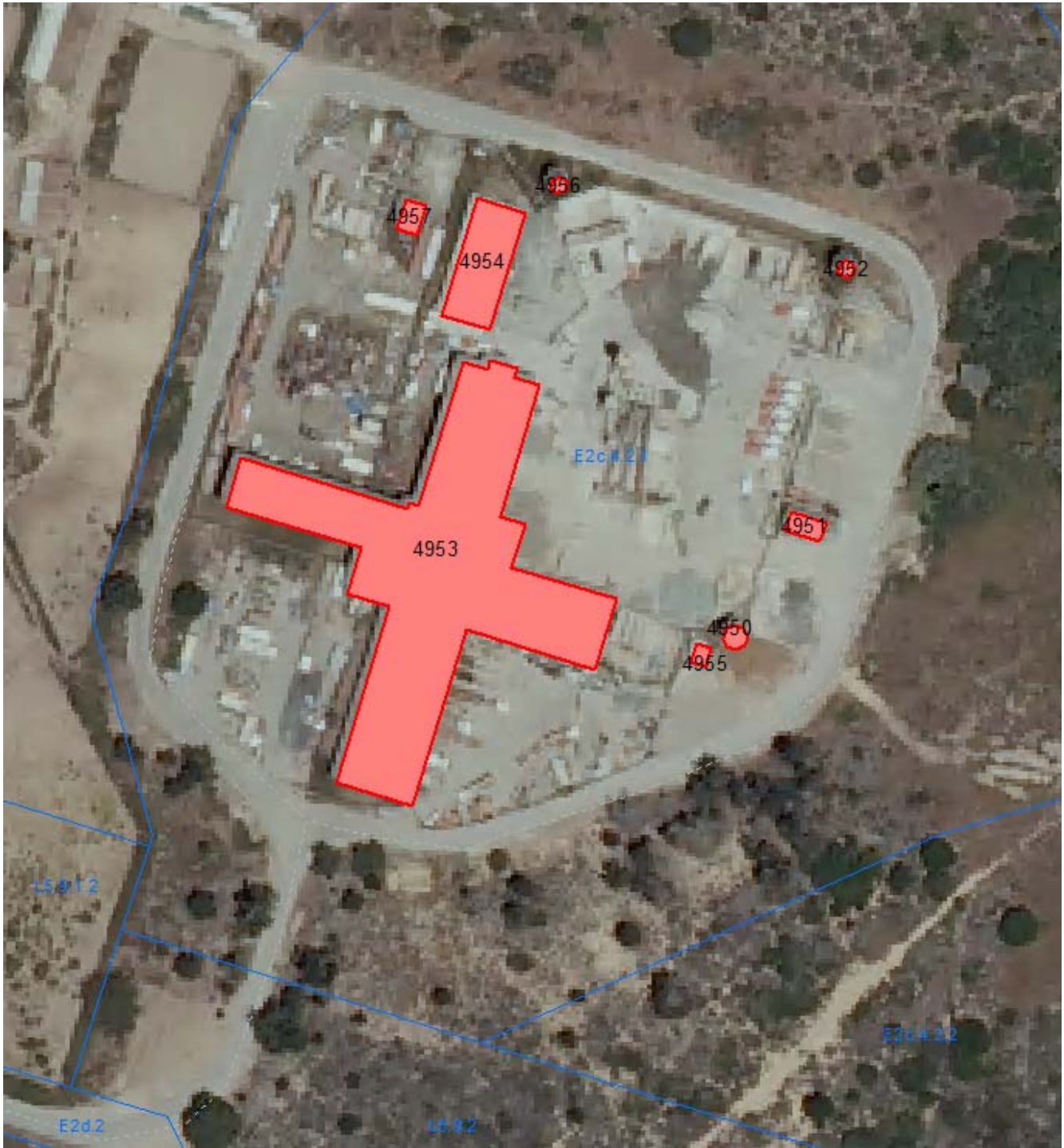
End of Section IV

ATTACHMENT A: SITE LOCATION



Stockade Location - Former Fort Ord, Region and Jurisdictions

ATTACHMENT B: SITE MAP



Project Area & Support Buildings

ATTACHMENT C: BASIS FOR COST PROPOSAL

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ATTACHMENT D: PROFESSIONAL SERVICES CONTRACT

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Agreement No. FC-_____

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 _____(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 _____as described in Exhibit "A." Such services will be at the direction of the Fort Ord Reuse Authority Board of Directors and/or the Executive Officer.

2. TERM. Consultant shall commence work under this Agreement effective on _____and will diligently perform the work under this Agreement until _____or until the work as described in Exhibit A is complete. The term of the Agreement may be extended upon mutual concurrence and amendment to this Agreement.

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 _____ including out of pocket expenses.

3. 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 provide professional services at least during those days and hours that are mutually agreed upon by the parties to enable the delivery of the services noted in the Scope of Services attached hereto in Exhibit "A."

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

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

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

FORA

CONSULTANT

By _____
 Michael A. Houlemard, Jr.
 Executive Officer

 Date

By _____

 Date

Approved as to form: _____
 Jon R. Giffen, Authority Counsel

EXHIBIT A

SCOPE OF SERVICES

(This is an EXAMPLE Document and in this location of the Agreed upon Scope of Services will be inserted here after successful consultant selection.)

EXHIBIT B

GENERAL PROVISIONS

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

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

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

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

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

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

7. STANDARD OF PERFORMANCE. CONSULTANT shall perform all services required pursuant to this Agreement in the manner and according to the standards observed by a competent practitioner of the profession in which CONSULTANT is engaged in the geographical area in which CONSULTANT practices his profession. All products and services of whatsoever nature, which CONSULTANT delivers to FORA pursuant to this Agreement, shall be prepared in a thorough and professional manner, conforming to standards of quality normally observed by a person practicing in CONSULTANT'S profession. FORA shall be the sole judge as to whether the product or services of the CONSULTANT are satisfactory but shall not unreasonably withhold its approval.

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

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

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

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

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

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

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

13. AMMENDMENTS. This contract may be amended by mutual written agreement

FORT ORD REUSE AUTHORITY BOARD REPORT

BUSINESS ITEMS

Subject:	Adopt 2017 FORA Legislative Agenda	
Meeting Date:	November 4, 2016	INFORMATION/ACTION
Agenda Number:	8f	

RECOMMENDATION(S):

Adopt the 2017 Fort Ord Reuse Authority (FORA) Legislative Agenda (**Attachment A**).

BACKGROUND/DISCUSSION:

Since 2000, FORA staff and the Legislative Committee have solicited legislative, regulatory, policy and/or resource allocation suggestions from the jurisdictions to enhance and move forward the reuse and redevelopment of the former Fort Ord. This past year, FORA staff worked with JEA and Associates (FORA's legislative representatives in Sacramento), FORA jurisdiction staff, and federal/state legislative offices to amend the FORA Legislative Agenda to reflect the current status of funding opportunities and program changes and to address unfinished items from the 2016 Legislative Agenda.

The items on the annual Legislative Agenda serve as the focus of the annual Legislative Mission to Washington, DC, which typically occurs in spring. Selected FORA Board and staff members travel to the nation's capital to meet with key legislative, military, and governmental leaders to discuss FORA's positions and needs. The agenda also frames issues and funding needs for the State legislative work, which may also include a Sacramento visit in spring. The approved Legislative Agenda stands as a statement of FORA's legislative, regulatory, policy and/or resource allocation needs.

The legislative committee will be meeting on October 31, 2016 to consider the 2017 FORA legislative agenda. The legislative offices have requested that the legislative agenda be provided before December to be included in their coming year legislative calendar. The action of the legislative committee will be transmitted to the Board prior to the meeting, and any recommendation for Board action on November 4, 2016.

FISCAL IMPACT:

Reviewed by FORA Controller 

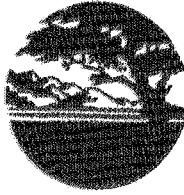
Staff time for this item is included in the approved annual budget.

COORDINATION:

FORA Legislative and Executive Committees, JEA & Associates, Congressman Sam Farr, Senator Bill Monning, Assemblymember Mark Stone, and respective staff.

Prepared by 
Dominique L. Jones

Approved by 
Michael A. Houlemard, Jr.



Fort Ord Reuse Authority DRAFT 2017 LEGISLATIVE AGENDA

This report outlines the 2017 Fort Ord Reuse Authority (FORA) legislative program and tasks. The FORA 2017 Legislative Agenda defines Board policy, sets legislative, regulatory, or federal/state resource allocation/direction, and supports the 1997 Base Reuse Plan's (BRP) and the 2012 BRP Reassessment Report guidance for replacing former Fort Ord military regional economic contributions with comparable level civilian activity/programs. The Legislative Agenda is meant to assist state and federal agencies/legislative offices regarding property transfer, economic recovery/reuse, environmental remediation, habitat management/conservation, and infrastructure and mitigation funding. The order in which the tasks are presented herein does not imply ranking or priority. Each item is considered a "priority" in achieving FORA's objectives.

A. HABITAT CONSERVATION PLAN (HCP). Continue/enhance ongoing coordination with federal and state legislative representatives to secure/expedite HCP issuance.

Issue:

HCP approval remains critical to former Fort Ord reuse. Alternatives to a base wide HCP, such as project by project permitting, are costly and time consuming and are not as effective in managing or protecting endangered species.

Benefits:

HCP approval both protects valuable habitat and enables effective regional job and housing creation.

Challenges:

HCP processing over the past ten years has been difficult and costly. Insufficient federal and state agency resources and overlapping regulatory barriers have thwarted the HCP process. Multiple agency coordination requires communication and encouraging cooperation.

Proposed Position

- Support legislative and regulatory coordination, state and federal resources, and strong advocacy to enable speedy reviews and processing.
- Coordinate with U.S. Fish and Wildlife Service, U.S. Department of Interior/ Bureau of Land Management (BLM), California Department of Fish and Wildlife (CDFW), the 20th Congressional District, the 17th State Senate District and the 29th State Assembly District to finalize agreements regarding habitat management on BLM's Fort Ord National Monument, UC Natural Reserve and CA State Parks land in order to complete/implement the HCP.

B. ECONOMIC RECOVERY SUPPORT. Support statewide and regional efforts to create local jurisdiction economic recovery, base reuse financing and consider/support innovative building removal funds.

Issue:

The loss of “redevelopment financing” and other refinancing tools to assist in implementing base closure recovery programs was a heavy blow to FORA’s member jurisdictions. Jurisdictional funding has dropped and substitute financial tools to support economic reuse/recovery initiatives do not match past vehicles set up to support the replacement infrastructure and mitigations. FORA provided an initial two years of funding for an economic development program including staffing, engaging with regional partnerships and local agency program support. Additional programs are still required for building removal.

Benefits:

Sufficient funding resources for the reuse and recovery from former Fort Ord closure and other military bases. Funding support for economic development programs, habitat management protection, building removal, or other infrastructure demands associated with the reuse programs. Removal of buildings that create a “ghost town” effect are a disincentive to investment.

Challenges:

1. Obtaining agreement to use tax or special district funds to create special financing districts to support targeted economic recovery, affordable housing and/or infrastructure in the climate of limited resources.
2. State funding sources remain unclear.

Proposed Position:

Support legislation, activating local agency processes for economic development.

- Support establishment of Military Base Reuse “Recovery Zones.”
- Support legislation for incentive based mechanisms to strengthen jurisdictions’ ability to enable/implement base closure recovery programs.
- Consider the addition of newly adopted financing mechanisms for jurisdictional support.
- Continue funding and resource development for economic recovery.

C. VETERANS CEMETERY. Continue support/expansion of the California Central Coast Veterans Cemetery (CCCVC) development on the former Fort Ord.

Issue:

Burial space for California Central Coast veterans is inadequate. The former Fort Ord is both ideally suited and centrally located and an appropriate facility has now been opened to serve the veteran community. A site was set aside/designated in the 1990s for a veterans’ cemetery and the FORA Board of Directors gave support through previous actions of the establishment of the California Central Coast Veterans Cemetery (CCCVC). After multiple actions over 20 years the CCCVC was opened by the CA Department of Veterans Affairs (CDVA) for above ground columbaria, administration and maintenance buildings, a committal shelter, landscaping, and infrastructure for initial operation in October 2016. Future expansion requires additional design, planning, and review and includes in-ground gravesites and additional columbaria, as well as other potential ancillary uses and would complete the project anticipated in the Base Reuse Plan.

Benefits:

The CCCVC offers final resting places for the region's 50,000 (approx.) veterans. Burial plots would enable an option for those who for religious or other reasons prefer such an option.

Challenges:

Cemetery expansion will require significant coordination between FORA, the CCCVC Foundation, the California Department of General Services (DGS), CDVA, US Department of Veterans Affairs (USDVA), the City of Seaside, the County of Monterey, and other state/federal agencies.

Proposed Position:

- Support DGS and CDVA construction expansion efforts.
- Support efforts to sustain priority standing for the CCCVC with CDVA and USDVA.
- Promote continued vigilance and cooperation among the regulatory agencies.
- Coordinate with federal agencies, the City of Seaside, the County of Monterey, the 20th Congressional District, the 17th State Senate District, and the 29th State Assembly District to sustain efforts to generate federal funding and/or status for future CCCVC expansion.

D. AUGMENTED WATER SUPPLY. Work with local and regional agencies to secure State and Federal funding to augment FORA's water supply capital needs.

Issue:

The FORA Capital Improvement Program includes approximately \$24M to fund Regional Water Augmentation necessary to implement the Base Reuse Plan. Six million (\$6M) has been committed to the Pure Water Project to support use of reclaimed resources in the region. Securing outside funds to assist with augmented supply options help the timely implementation of conservation, recycled water and/or desalination water facilities and smooth out upfront costs of infrastructure. Monitor implementation of Ground Water Sustainability Act as it relates to contractual amounts of water to support the implementation of Base Reuse Plan.

Benefits:

Development projected under the Base Reuse Plan depends on an augmented water supply. Additional grant funding reduces FORA and Marina Coast Water District (MCWD) costs to secure water resources and reduces required capital charges.

Challenges:

Scarce funding and competing water projects throughout the region and state. No current federal/state program exists for this funding.

Proposed Position:

- Continue to work with MCWD to enable them to fulfill their contractual obligation to FORA for water resource augmentation.
- Support and coordinate efforts with MCWD, Monterey County Water Resources Agency, Monterey Regional Water Pollution Control Agency, other agencies, and FORA jurisdictions to secure funding and/or support other funding mechanisms proposed for this purpose.
- Coordinate potential water bond funding for Monterey Bay region and FORA augmentation needs.

E. LEGISLATIVE COOPERATION WITH MONTEREY BAY AGENCY LEGISLATIVE ISSUES.

Issue:

Monterey-Salinas Transit, Transportation Agency for Monterey County, and the County of Monterey have adopted legislative programs that may have Fort Ord reuse impacts.

Benefits:

Collaborative funding efforts by agencies involved in the same or interdependent projects increase the chances to obtain critical funding and enhanced partnering for matching funds.

Challenges:

State and federal funding is limited, legislative actions that benefit/impact multiple parties requires coordination, and competition for available funds will be keen.

Proposed Position:

- Coordinate and support other legislative programs in the Monterey Bay area when they interface with former Fort Ord reuse programs.

F. ASSURING LONG TERM STEWARDSHIP OF MUNITIONS CLEANUP AREAS.

Coordinate with Federal, State and local agencies on post-cleanup stewardship of munitions and explosives ordnance issues/areas. Seek additional funds from federal resources and pursue optimizing review processes to complete property transfers.

Issue:

FORA is scheduled to sunset June 30, 2020 and certain munitions funding terminates in 2019. There will be significant post FORA property management and post-remediation issues that will need to be managed. Those issues require resources, coordination and cooperation which are still being defined.

Benefits:

Collaborative partnering for resources by agencies involved in the same or interdependent projects increase the chances to obtain critical funding. Some long term stewardship issues are unfunded but defined as remedies in federal documents.

Challenges:

State and federal funding resources are limited. Federal and State agencies have not funded long term stewardship in many cases. In addition local jurisdictions have limited funding for long-term stewardship.

Proposed Position:

- Seek federal and state cooperation to assure responsiveness, document completion, and crucial funding for long-term stewardship for munitions response areas.

G. LEGISLATIVE COORDINATION REGARDING FORA TRANSITION ISSUES

Issue:

FORA's legislative sunset in 2020 calls for coordination of many items. Specifically, a report to the State Legislature, Local Agency Formation Commission (LAFCO) coordination, jurisdiction interface, and risk analysis. Working with local agencies is crucial. Coordination is beneficial/essential in traversing the long list of issues and reporting requirements.

Benefits:

Collaborative efforts will assure effective transition decisions or potential legislative extension prior

to 2020 sunset or possible legislative extension.

Challenges:

State law requirements, contractual obligations, and inter-agency agreements will require intensive legislative multi-agency negotiations. One of FORA's funding mechanisms (Mello Roos/Community Facilities District/developer fee) is not within LAFCO's jurisdiction and terminates upon FORA dissolution. Replacement funding processes may have a lengthy implementation timeline.

Proposed Position:

- Coordinate and seek support from State Legislature (17th State Senate District and 29th State Assembly District) to assure post-FORA funding for jurisdictions and reuse obligations and to pursue a FORA extension to 2030.

H. PREVAILING WAGES COORDINATION

Coordinate with 17th State Senate Districts and 29th State Assembly District to clarify the implementation of the FORA Prevailing Wage Policy and the enforcement provisions of SB 854 with the State Department of Industrial Relations.

Issue:

Ongoing confusion continues related to various interpretations of how the FORA Prevailing Wage Policy interfaces with the registration, reporting and enforcement provisions of state public works laws amended in state law in recent years.

Benefits:

Collaborative efforts between the designated military base Reuse Authority and Department of Industrial Relations is needed to promote, coordinate and harmonize state public works laws with state laws requiring speedy transition of military bases to civilian use.

Challenges:

SB 854 is in the third year of implementation and there is little experience within DIR of working with Base Reuse Programs.

Proposed Position:

Support legislative and regulatory coordination, state and federal resources, and strong advocacy to enable speedy reviews, compliance, enforcement and coordinated decisions.

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

Issue:

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

Benefits:

The Public Safety Officer Training Program is an important component of MPC's Fort Ord reuse efforts and enhances public safety training at the regional and state levels. Adequate funding is critical.

Challenges:

Funds available through the Office of Homeland Security, the Office of Emergency Services, or other sources may be restricted. MPC has begun interim program efforts but is yet to accept the property for the permanent former Fort Ord facilities.

Proposed Position:

- Pursue legislative or other actions to support MPC efforts to secure funding sources.

DRAFT