

MINUTES OF THE RESCHEDULED REGULAR MEETING OF THE MONTEREY PENINSULA AIRPORT DISTRICT BOARD OF DIRECTORS

April 27, 2023 - 9:00 AM

NOTICE REGARDING REMOTE PARTICIPATION BY A BOARD MEMBER PURSUANT TO AB 2449

Due to the expiration of the COVID-19 California State of Emergency, the Monterey Peninsula Airport District has returned to holding meetings at the Airport Board Room, with in-person attendance. Members of the public may attend the Board Meeting in person and request to speak to the Board when the Chair calls for public comment. Due to the remote attendance of a Board Member due to illness, remote comments will be allowed during this meeting, as outlined below.

The Monterey Peninsula Airport District will continue to broadcast the Board Meetings via Zoom video conference for viewing by the public. To view the Board meeting via Zoom video conference, please visit www.zoom.us/join and enter the following Meeting ID: **831 7098 4092**. If you do not have access to the internet, you may listen telephonically by calling (253) 215-8782 and entering the same Meeting ID.

In the event that a Board Member utilizes the procedure outlined in AB 2449 to attend a meeting, only then will remote public comments be allowed. Under those circumstances, when the Chair calls for public comment, attendees can queue to speak with the "Raise Hand" feature. On the Zoom application, click the "Raise Hand" button. On the phone, press *9. The Secretary to the Board will call speaker names and unmute speaker microphones. You will have up to 3 minutes to provide your oral comments, pursuant to Board policy.

In addition, members of the public who desire to make a written public comment can send an email to info@montereyairport.com and include the following subject line: "Public Comment Item # (insert the agenda item number relevant to your comment)." Written comments should be received by 8:00 AM on the day of the meeting. All submitted comments will be provided to the Board for consideration and will be compiled as part of the record.

A. CALL TO ORDER/ROLL CALL

Chair Sawhney called to order the rescheduled regular meeting of the Monterey Peninsula Airport District Board of Directors at 9:05 AM. Directors Leffel, Sabo, and Miller were present. Director Pick was absent. The following staff were present: Executive Director La Pier, District Counsel Huber, Acting Board Secretary Adams, Deputy Executive Director Morello, and Controller Wilson.

B. PLEDGE OF ALLEGIANCE

Executive Director La Pier led the Pledge of Allegiance.

C. COMMUNICATIONS/ANNOUNCEMENTS/INFORMATIONAL ITEMS

Chair Sawhney announced her desire to attend the AAAE Conference in Denver, CO, June 2-5, 2023. Board action will be taken at the next regular meeting.

D. PUBLIC COMMENTS ON NON-AGENDA ITEMS

None.

E. CONSENT AGENDA - ACTION ITEMS

- Approve 1. Minutes of the Air Carrier Service – Marketing – Community Relations Committee Meeting of March 08, 2023
- Approve 2. Minutes of the Airport Property Development & Leases Committee Meeting of March 10, 2023
- Approve 3. Minutes of the Budget & Finance Committee Meeting of March 14, 2023

- Approve 4. Minutes of the Regular Board Meeting of March 15, 2023
- Approve 5. Minutes of the Special Board Meeting of April 5, 2023
- Approve 6. Minutes of the Budget & Finance Committee Meeting of April 12, 2023
- Approve 7. Minutes of the Airport Property Development & Leases Committee Meeting of April 14, 2023

Director Leffel motioned to approve Consent Agenda Items E.1 to E.7. Chair Sawhney pulled Item E.1. Director Sabo pulled Items E.5 and E.6. Director Leffel amended her motion to approve all Consent Agenda Items except E.1, E.5, and E.6. Director Miller seconded. The motion carried by a roll call vote of 3-1 with Chair Sawhney abstaining.

F. DEFERRED CONSENT AGENDA - ACTION ITEMS

Chair Sawhney pulled Item E.1 to the next meeting.

Director Sabo pulled Item E.5 to amend the Minutes of the Special Board Meeting of April 5, 2023 to reflect the future board agenda items he stated at the end of the meeting, while he was acting Chair.

- *Revision to Board Governance Manual – Board and Standing Committee Chair Review/Approval of agendas prior to posting.*
- *Revision to District Contracting Procedures - RFPs to stipulate that propriety cost data is to be submitted separately from the main proposal document.*
- *Revision to Board Governance Manual – All RFPs for Services or Capital Projects to be posted prominently on the website and remain posted until awarded or withdrawn.*

Director Leffel motioned to approve the Minutes of the Special Board Meeting of April 5, 2023 with the stated revision. Director Sabo seconded. The minutes were approved by a roll call vote of 3-1 with Director Sawhney abstaining.

Director Sabo pulled Item E.6 to amend the Minutes of the Budget & Finance Committee Meeting of April 12, 2023 to reflect that he cited disagreement with rates and charges as proposed by staff and provided alternatives, and that he submitted his proposal for graduated hangar rates. Director Leffel motioned to approve the Minutes of the Budget & Finance Committee Meeting of April 12, 2023 with the stated revision. Chair Sawhney seconded. The minutes were approved by a roll call vote of 4-0.

G. REGULAR AGENDA - ACTION ITEMS

- Presentation 1. Overview of Current Instrument Procedure Capabilities on Runway 10R/28L, by Lean Corporation, Paul Hannah

Chair Sawhney asked to move Item G.4 to the first Item of business. Directors discussed and did not concur.

Deputy Executive Director Morello introduced Paul Hannah, Lean Corporation who presented an overview of current instrument procedure capabilities on Runway 10R/28L, including procedure changes reviewed by FAA, additional noise reduction concepts explored between MRY and FAA, and remaining areas for exploration.

Public Comment:

A member of the public commented there is a "blind spot" where there is no communication over Mount Toro and that is why they tend to go the other approach.

Presentation 2. Well Water Analysis & Potential Distribution Route, by Kimley Horn, Pearse Melvin

Deputy Executive Director Morello reviewed the history of the well water analysis project.

Melvin Pearse, Kimley Horn, gave a presentation on the well water analysis project and a potential distribution route; information included capacity and demand, proposed improvements, and the remaining items, schedule and estimates for completing the project.

Tom Rowley, a member of the public and President of Fisherman's Flats Homeowners & Residents Association, commented the Navy Golf Course has had inadequate water for a long time; the first question he would ask is "where is your backup".

Presentation 3. Update Regarding the Airport's Appeal of a Tree Citation Issued by the City of Monterey

District Counsel Huber gave a presentation that recapped the events leading up to a tree citation issued by the City of Monterey in March 2020 and an update on the Airport's appeal. He reviewed correspondence prior to the tree removal with Mr. Justin Prouty, City of Monterey, regarding City Code exemptions, the Cal Trans inspection results regarding the FAA transitional surface height requirements, and the City of Monterey Fire Inspection Report.

Public Comment:

Christine Davi, Attorney for the City of Monterey commented Monterey is a Tree City USA, a designation, and processes must be followed. She requested remote Public Comment be allowed due to the way the meeting was noticed. District Counsel Huber acknowledged the notice contemplating a board member utilizing AB 2449 could cause confusion and suggested we allow remote Public Comment.

Chair Sawhney gave an opportunity for Public Comment on the items already covered.

Wes Wright, a Monterey County Resident, commented that he found it odd we would no longer allow remote Public Comment unless a board member was utilizing AB 2449.

Direct 4. Provide Direction to Staff for Airport Fire & Related Emergency Services

Chair Sawhney recused herself due to a conflict of interest and excused herself from the meeting at 11:29 AM.

Director Miller expressed discomfort with the fact only three board members were present to make this decision. Chair Pro Tem Sabo suggested we hear the presentation and public comments but defer the final direction to when at least four Directors are present. The Board concurred.

A break was taken from 11:38 AM to 11:45 AM.

Executive Director La Pier, Deputy Executive Director Morello, and Controller Wilson gave a presentation on the current and historical state of the Fire Protection & Emergency Medical Services at the Monterey Peninsula Airport District. The presentation explained why the AARF facility was moved to the north side of the Monterey Regional Airport runway and why it could only respond to on-airport emergencies.

Directors questioned whether or not the shared services model for Airport Fire & Related Emergency Services proposed by the City of Monterey violated either the terms of the FONSI issued by the Federal Aviation Administration or the settlement agreement with the City of Monterey. Gaudenz Panholzer, Fire Chief, City of Monterey, suggested a possible solution that included staging the equipment and staff at a location on the south side of the runway during peak times. Christine Davi, Counsel for City of Monterey, addressed the board regarding the settlement recital and the intent of the AARF being an on-airport response only station. She asserted that does not preclude the equipment from being used if it responds from the south side of the runway.

Bill Hershman, President of Pro-Tec Fire Services, responded to inquiries about their standard of fire service by detailing their aircraft training standards, which are the same as the Department of Defense and the Presidio and meet national standards. Mr. Hershman answered questions about staffing, how long it would take to set up the service, and why they are no longer contracted with a particular southern California airport.

Chief Dan Diehl of Pro-Tec Fire Services spoke on the subject of Mutual Aid. Executive Director La Pier reported the Airport has been a signatory since 1974 to the State of California Mutual Aid Agreement and since 1980 with Monterey County, and the County agreements are signed by all agencies. Chief Diehl added that there are sufficient resources in the local area to cover the Airport.

Public Comment was made by the following individuals:

- Fred Meuer, Monterey Bay Defense Alliance*
- Tom Rawley, President Fisherman's Flats Neighborhood Association*
- Lee Whitney, Glenwood Neighborhood Community and Safety*
- Anthony Altfeld, Monterey Resident and Retired Police Chief*
- Mike Dawson, Resident*
- Ross Pounds, President Monterey Firefighters Association*
- Matt Murphy, Casanova Resident & Monterey Firefighter*
- Phil Bezouska, VP Monterey Firefighters Association*
- Anthony Shoenstein, Firefighter*
- Jen Silacci, Deer Flats Resident*
- Terry Powell, Deer Flats Resident*
- Brian Holt, Monterey Fire Captain*
- Brian Holm, Monterey Fire Captain*
- Matt Geary, Monterey Resident and Cal Fire Chapter Director*
- Ken Hutchinson, VP Monterey Firefighters Association*
- Nat Rojanasathira, Assistant City Manager, City of Monterey*
- Wendy La Pointe, Resident, Tehama, Carmel*
- Stephen Gilman, Resident*

Public Comment closed at 3:16 PM.

District Counsel Huber explained the difference between Mutual Aid and Shared Services and confirmed that Mutual Aid was allowed under Title 14 CFR Part 139 and is therefore specifically approved by the Federal Aviation Administration.

Fire Chief Gaudenz Panholzer explained the difference between Mutual Aid, which was freely given by those who have signed onto the County and State Mutual Aid Agreements, and Automatic Aid, which is by specific contractual agreement between two entities to purchase services.

Director Leffel made a motion to continue Item G.4 to a future date certain, Wednesday, May 3, 2023 at 1:30 PM, with the stipulation that the hearing is closed and there will be no Public Comment on this item at the time it is continued. Chair Pro Tem Sabo seconded and asked that Director Leffel amend her motion to include direction to staff that MPAD legal counsel meet with City of Monterey counsel to get resolution to the questions about violating the environmental assessment and therefore jeopardizing FAA grants, determine if there is a feasible site to launch response from the south side, and check on the concerns brought up about Pro Tec as it relates to their service at the Burbank Airport. Director Leffel agreed to that amendment. The motion carried by a roll call vote of 3-0 with Directors Sawhney and Pick absent.

Approve 5. Revised Monterey Peninsula Airport District On-Airport Rental Car Operator Lease and Concession Agreement

Executive Director La Pier introduced Item G.5 and reported it had been reviewed by both the Finance Committee and the Lease Committee.

Chair Sawhney rejoined the meeting at 3:50 PM.

Director Sabo reported there was disagreement between the Finance Committee members; he disagreed with 2022 enplanements being used as the base for the MAG abatement and he believes the liquidated damages should be \$1,000.00. Executive Director La Pier explained there was no penalty in the current agreement. This was a compromise amount.

Director Sabo disagreed with the auto-renewal clause. Executive Director reminded Director Sabo we will need a new agreement when we move to the new terminal. Director Sabo suggested the agreement end at 5 years. Executive Director La Pier noted there is a termination clause in the agreement.

Director Sabo made a motion to approve the Revised Monterey Peninsula Airport District On-Airport Rental Car Operator Lease and Concession Agreement with the stipulation that it automatically terminates in five years. Directors discussed the change and ultimately the motion failed for lack of a second.

Director Leffel motioned to approve the Revised Monterey Peninsula Airport District On-Airport Rental Car Operator Lease and Concession Agreement as presented. Director Miller seconded.

No public comment.

The motion carried by a roll call vote of 3-1 with Director Sabo voting no and Director Pick absent.

Discuss 6. Strategic Planning Report Review and More Efficient Board Meetings

Chair Sawhney asked to move this item to the continuation of this meeting on May 3, 2023 at 1:30 PM. The board concurred.

Director Miller excused himself from the meeting at 4:10 PM.

H. BOARD COMMITTEE REPORTS AND ACCEPTANCE OF DEPARTMENT REPORTS

Standing Committees:

- | | |
|---|----------------------------|
| i. Budget and Finance | Directors Sabo & Leffel |
| ii. Air Service, Marketing, Community Relations | Directors Sawhney & Pick |
| iii. Airport Property Development and Leases | Directors Sawhney & Miller |

b. Ad-Hoc Committees:

- | | |
|-------------------------------|--------------------------|
| i. Local Jurisdiction Liaison | Director Sawney & Leffel |
|-------------------------------|--------------------------|

c. Liaison/Representatives:

- | | |
|---|------------------|
| i. Local Agency Formation Commission | Director Leffel |
| ii. Regional Taxi Authority | Director Pick |
| iii. Transportation Agency for Monterey County | Director Sabo |
| iv. Special Districts Association Liaison | Director Sawhney |
| v. Association of Monterey Bay Area Governments | Director Miller |

Director Sabo reported for the Finance Committee.

Chair Sawhney reported there was no Air Service Committee meeting.

Chair Sawhney reported for Lease Committee.

Chair Sawhney reported the Local Jurisdiction Committee meeting has not yet been scheduled.

Director Leffel reported on the LAFCO meeting.

There was no Regional Taxi Authority meeting.

Director Sabo reported on the TAMC meeting.

Director Leffel reported on the Special Districts Association meeting because Director Sawhney was not able to attend.

There was no AMBAG report as Director Miller was absent.

I. CLOSED SESSION

1. Pursuant to Government Code section 54956.8, the Board will meet with Real Property Negotiators, Executive Director and General Counsel, regarding a portion of the property commonly known as APN Number 013-221-020-000.

Director Leffel moved to continue this item on Wednesday, May 3, 2023. Director Sabo seconded. The motion carried by a roll call vote of 3-0 with Director Miller and Director Pick absent.

J. PENDING REQUESTS FOR FUTURE AGENDA ITEMS

- Receive Drone and Balloon Update
- Review FY 2024 Rates and Charges as Part of the Budget
- Receive Report on Emergency Procedures and Preparedness
- Review of Six Month and Two-Year SEP Plan

- Revision to Board Governance Manual – Board and Standing Committee Chair Review/Approval of Agendas Prior to Posting
- Revision to District Contracting Procedures – RFPs to Stipulate that Propriety Cost Data is to be Submitted Separately from the Main Proposal Document
- Revision to Board Governance Manual – All RFPs for Services or Capital Projects to be Posted Prominently on the Website and Remain Posted until Awarded or Withdrawn

K. DISCUSSION OF FUTURE AGENDAS

Director Sabo suggested the board consider eliminating the Special Districts quarterly dinner meeting as an event that is paid a stipend. There was no second.

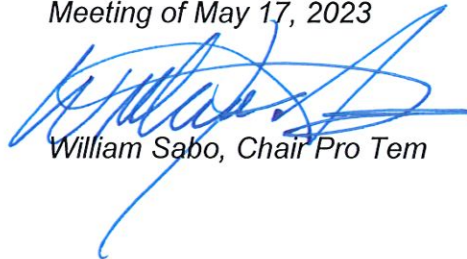
Chair Sawhney stated that as Chair she would add the following items:

- *HR Consultant Report*
- *Introduction of DRO Police Chief*
- *Review of DRO Police Services Contract*
- *Strategy Session and Board Retreat*

L. ADJOURNMENT

The meeting adjourned at 4:44 PM to a date and time certain, Wednesday, May 3, 2023 at 1:30 PM to continue Items G.4, G.6, and a Closed Session.

Approved at the
Meeting of May 17, 2023



William Sabo, Chair Pro Tem

ATTEST



Michael La Pier, AAE
District Secretary