

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

July 11, 2018 - 10:00 AM - Board Room

A. CALL TO ORDER/ROLL CALL

Vice Chair Sabo called to order the Regular meeting of the Board of Directors at 10:00 am. Directors Leffel and Nelson were present. Director Cursio and Chair Miller were absent. The following District Officers were present: Executive Director La Pier, Acting District Secretary Porter and Deputy Executive Director Bergholz. District Counsel Huber was absent. Dave Ritchie, Cota Cole & Huber, was present Acting District Counsel.

B. PLEDGE OF ALLEGIANCE

Director Leffel led the Pledge of Allegiance.

C. COMMUNICATIONS/ANNOUNCEMENTS/INFORMATIONAL ITEMS

None.

D. PUBLIC COMMENTS

None.

E. CONSENT AGENDA – ACTION ITEMS

(The Consent Agenda consists of those items which are routine and for which a staff recommendation has been prepared. A Board member, member of the audience or staff may request that an item be placed on the deferred consent agenda for further discussion. One motion will cover all items on the Consent Agenda. The motion to approve will authorize the action or recommendation indicated.)

- Approve 1. Minutes of the Committee Meeting of the Air Carrier Service, Marketing and Community Relations Committee of June 1, 2018
- Approve 2. Minutes of the Committee Meeting of the Airport Property Development and Leases Committee of June 1, 2018
- Approve 3. Minutes of the Committee Meeting of the Budget and Finance Committee of June 5, 2018
- Approve 4. Minutes of the Regular Meeting of June 13, 2018
- Approve 5. Minutes of the Special Meeting of June 22, 2018

Director Leffel moved to approve Consent Agenda Items 1 through 5. Director Nelson seconded the motion. The motion passed unanimously by a vote of 3-0.

F. DEFERRED CONSENT AGENDA - ACTION ITEMS

None.

G. REGULAR AGENDA - ACTION ITEMS

- Adopt 1. Resolution No. 1717, A Resolution of the Board of Directors of the Monterey Peninsula Airport District Upon the Retirement of Ester Sera Acknowledging Her 19 Years of Distinguished and Dedicated Service to the District

Executive Director La Pier presented Item G.1. He congratulated Ester on her 19 years of service to the District and acknowledged her as a constant positive representative of the Airport who is always willing to go the extra mile. He wished her a wonderful retirement.

Director Leffel thanked Ester for her dedication to providing a clean and positive environment and Director Nelson relayed the same sentiments. Vice Chair Sabo noted that he appreciates the friendliness that Ester constantly exudes.

Director Leffel moved to adopt Resolution No. 1717. Director Nelson seconded the motion. The motion passed unanimously by a roll call vote of 3-0. Vice Chair Sabo presented the resolution to Ester, congratulating and thanking her again.

RESOLUTION NO. 1717

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE MONTEREY PENINSULA AIRPORT DISTRICT UPON THE RETIREMENT OF ESTER SERA ACKNOWLEDGING HER 19 YEARS OF DISTINGUISHED AND DEDICATED SERVICE TO THE DISTRICT

WHEREAS, Ester Sera has faithfully served as an employee of the Monterey Regional Airport's Custodial staff since August 1, 1999, providing more than ten years of service and commitment, and will retire from service on July 29, 2018, and

WHEREAS, Ester's enthusiastic style, dedication and perseverance in ensuring the cleanliness of the Airport Terminal has truly complimented the mission of the Monterey Peninsula Airport District;

WHEREAS, Ester's allegiance and commitment to the success of the Airport has been noticed throughout the airport by employees, Board of Directors, tenants and the public;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Monterey Peninsula Airport District commend Ester for her 19 years of distinguished and dedicated service to the District;

BE IT FURTHER RESOLVED, that the valuable services of Ester be memorialized by resolution on the occasion of her retirement on July 29, 2018.

PASSED AND ADOPTED BY THE BOARD OF DIRECTORS OF THE MONTEREY PENINSULA AIRPORT DISTRICT: This 11th day of July 2018 by the following roll call vote:

| | | |
|-----------------|-------------------|---------------------------------|
| AYES: | DIRECTORS: | Leffel, Nelson, Vice Chair Sabo |
| NOES: | DIRECTORS: | None |
| ABSTAIN: | DIRECTORS: | None |
| ABSENT: | DIRECTORS: | Cursio, Chair Miller |

- Adopt 2. Resolution No. 1718, A Resolution Accepting an Avigation and Hazard Easement and Agreement from Property Owner of Monterey Motorsports Park, LLC

Chris Morello, Senior Planning Manager, presented Item G.2, explaining the necessity of the Avigation and Hazard Easement. She noted that it is a condition by the City of Monterey as laid out in the Airport's

compatibility plan and once the Resolution is passed, it would be reported to the county and included in the Airport Layout Plan (ALP).

Director Nelson moved to adopt Resolution No. 1718. Director Leffel seconded the motion. The motion passed unanimously by a roll call vote of 3-0.

RESOLUTION NO. 1718

A RESOLUTION ACCEPTING AN AVIGATION AND HAZARD EASEMENT AND AGREEMENT FROM PROPERTY OWNER OF MONTEREY MOTORSPORTS PARK LLC.

WHEREAS, Monterey Motorsports Park, LLC, a California limited liability company ("Grantor"), is the owner in fee of certain real property located in the City of Monterey, County of Monterey, State of California, attached hereto and incorporated herein by reference ("Property"); and

WHEREAS, District is the owner and operator of the Monterey Regional Airport ("Airport"), and as incident to the conducting of operations of the Airport by the District, properties situated in close proximity to the Airport may be subject to noise, the flight of low-flying aircraft within their airspace, and other effects associated with the operation of an airport; and

WHEREAS, The Property is situated within close proximity of the Airport, and Grantor desires to develop the Property for commercial use of substantially greater intensity than the historical agricultural and other low-intense uses; and

WHEREAS, The Planning Commission for the City of Monterey has approved Grantor's application for a Tentative Subdivision Map (SD-17-0600) and Use Permit (UP-17- 0502) for an 88-unit commercial condominium vehicle storage facility at the Property ("Approved Project"), and such approvals are subject to certain mitigation measures including the granting of an avigation and hazard easement in favor of the District.

NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE MONTEREY PENINSULA AIRPORT DISTRICT: That the Executive Director is hereby authorized to execute such agreement and easement on behalf of the District and that the District Secretary or designee is authorized to affix thereto the official seal of the District.

AND BE IT FURTHER RESOLVED that the Secretary or the Acting Secretary of the Airport District is authorized and directed to record said avigation easement with the Monterey County Recorder's Office.

PASSED AND ADOPTED BY THE BOARD OF DIRECTORS OF THE MONTEREY PENINSULA AIRPORT DISTRICT: This 11th day of July 2018 by the following roll call vote:

| | | |
|-----------------|-------------------|---------------------------------|
| AYES: | DIRECTORS: | Leffel, Nelson, Vice Chair Sabo |
| NOES: | DIRECTORS: | None |
| ABSTAIN: | DIRECTORS: | None |
| ABSENT: | DIRECTORS: | Cursio, Chair Miller |

H. ACCEPTANCE OF DEPARTMENT REPORTS

(The board receives department reports which do not require any action by the board)

I. BOARD COMMITTEE REPORTS

(Report on meetings attended by Board Members at Monterey Peninsula Airport District's expense - AB1234)

- a. Standing Committees:
 - i. Budget and Finance Directors Leffel & Sabo
 - ii. Air Service, Marketing, Community Relations Directors Cursio & Nelson
 - iii. Airport Property Development and Leases Directors Miller & Nelson

- b. Ad-Hoc Committees:
 - i. Local Jurisdiction Liaison Directors Leffel & Miller

- c. Liaison/Representatives:
 - i. Local Agency Formation Commission Director Leffel Alt: Sabo
 - ii. Regional Taxi Authority Director Leffel Alt: La Pier
 - iii. Transportation Agency for Monterey County Director Sabo Alt: Nelson
 - iv. Special Districts Association Liaison Director Miller Alt: Sabo

A break was taken from 11:05 am to 11:10 am. After returning from break, the Board entered into Closed Session.

J. CLOSED SESSION

- 1. **REAL PROPERTY NEGOTIATIONS** (Government Code Section 54956.8) The Board will meet with Real Property Negotiators, Executive Director and District Counsel, regarding the properties identified as 2801 Monterey-Salinas Highway, Monterey, CA 93940.

- 2. **ANTICIPATED LITIGATION** (Government Code section 54956.9(d)(2)) the Board will meet with the Executive Director and District Counsel regarding anticipated litigation – two cases.

K. RECONVENE TO OPEN SESSION

The Board reconvened to Open Session at 1:16 am. Vice Chair Sabo asked that Acting District Counsel Ritchie report out the results of the Closed Session discussions. Ritchie reported that Resolution No. 1719, regarding notice of intent to allow fire services contract with the City of Monterey to lapse, was passed and adopted during Closed Session. The adoption of Resolution No. 1719 was necessary to ratify the prior action of Resolution No. 1716.

Director Nelson moved to adopt Resolution No. 1719. Director Leffel seconded the motion. The motion passed unanimously by a roll call vote of 3-0.

RESOLUTION NO. 1719

A RESOLUTION OF THE MONTEREY PENINSULA AIRPORT DISTRICT TO RATIFY THE COMMUNICATION TO THE CITY OF MONTEREY NOT TO CONTINUE FIRE SERVICES AGREEMENT

WHEREAS, the Monterey Peninsula Airport District reviewed the contract with the City of Monterey for Fire Services in a closed session and gave staff direction, on June 13, 2018 not to continue the contract; and

WHEREAS, upon review of the contract, it was determined that the Notice terminating the services agreement could be delivered either by communication from the Executive Director or by Resolution of the Board of Directors; and

WHEREAS, notice pursuant to the terms of the Agreement was required to be delivered no later than June 30, 2018; and

WHEREAS, it was reasonable and prudent for the Executive Director and Board Chair to take action consistent with the consensus direction of the full Board as expressed at the June 13, 2018 meeting; and

WHEREAS, to give effect to that Board Direction and in order to protect the interests of the District it was urgent and necessary to deliver Notice to the City of Monterey in the form of a Resolution; and

NOW THEREFORE BE IT RESOLVED THAT the Board of Directors of the Monterey Peninsula Airport District hereby finds as follows:

1. That Direction was given to the Executive Director on June 13, 2018 to communicate a termination of the agreement with the City of Monterey for Fire Services.
2. That it was necessary to provide that Notice on or before June 30, 2018 in order to comply with the terms of the agreement.
3. That due to conflicting provisions in the Agreement itself regarding how Notice was to be provided, it became necessary for the Board Chair to execute a resolution (No. 1716) effective June 13, 2018 the same date that direction had been received from the full Board.
4. That the Board of Directors, now, hereby ratifies Resolution No. 1716 as an action of the full board with an effective date of June 13, 2018.

PASSED AND ADOPTED BY THE BOARD OF DIRECTORS OF THE MONTEREY PENINSULA AIRPORT DISTRICT: This 11th Day of July 2018 by the following roll call vote:

| | | |
|-----------------|-------------------|---------------------------------|
| AYES: | DIRECTORS: | Leffel, Nelson, Vice Chair Sabo |
| NOES: | DIRECTORS: | None |
| ABSTAIN: | DIRECTORS: | None |
| ABSENT: | DIRECTORS: | Cursio, Chair Miller |

L. PENDING REQUESTS FOR FUTURE AGENDA ITEMS

- *Fort Ord Reuse Authority Presentation on the Eastside Parkway Project (tabled until completion of EIR)*
- *Presentation on Cost and Parameters of AMBAG Ex Officio Membership*
- *Formalization of Actions Relative to the Name of the District*
- *Presentation regarding California American Water Desalination Plant*

M. DISCUSSION OF FUTURE AGENDAS

No new items were added.

N. ADJOURNMENT

The meeting adjourned at 1:19 pm.

Minutes Approved at the
Meeting of July 11, 2018


Carl M. Miller, Chair

ATTEST



Michael La Pier, AAE
District Secretary