

**MINUTES OF THE SPECIAL MEETING OF THE MONTEREY PENINSULA AIRPORT DISTRICT BOARD OF DIRECTORS**

**January 9, 2019 - 10:00 AM - Board Room - Terminal Building**

**A. CALL TO ORDER/ROLL CALL**

*Vice Chair Sabo called to order the Special Meeting of the Board of Directors at 10:01 AM. Directors Cursio and Nelson were present. Director Leffel arrived at 10:07 AM. Chair Miller was absent. The following District Officers were present: Executive Director La Pier, District Counsel Huber, Acting District Secretary Kim and Deputy Executive Director Bergholz.*

**B. PLEDGE OF ALLEGIANCE**

*Director Cursio led the Pledge of Allegiance.*

**C. COMMUNICATIONS/ANNOUNCEMENTS/INFORMATIONAL ITEMS**

*None.*

**D. PUBLIC COMMENTS**

*None.*

*Vice Chair Sabo noted that Tex Irwin, former member of the Board of Directors was in the audience.*

**E. SEATING OF CHAIR**

*Director Sabo took the seat as Chair of the Board of Directors.*

**F. SELECTION OF CHAIR PRO TEM**

*Director Cursio moved to elect Director Leffel as the Chair Pro Tem. Chair Sabo seconded the motion. The motion passed by a roll call vote of 3-0. Directors Leffel and Miller were absent.*

**G. APPOINTMENT OF COMMITTEES BY CHAIR**

*Chair Sabo gave each Director a handout with Committee appointments to review, including a new proposed Public Safety Ad-Hoc Committee.*

*Directors Nelson expressed that he did not see the need for a Public Safety Committee. Director Leffel agreed with Director Nelson's remarks and noted that she see's a potential Brown Act issue with creating that committee.*

*Director Leffel moved to approve all appointments as presented by Chair Sabo aside from the creation of the Public Safety Ad-Hoc Committee. Director Nelson seconded the motion. The motion passed by a roll call vote of 3-1. Chair Sabo voted no.*

**a. Standing Committees:**

- i. Budget and Finance
- ii. Air Service, Marketing, Community Relations
- iii. Airport Property Development and Leases

*Directors Sabo & Leffel  
Directors Cursio & Nelson  
Directors Miller & Cursio*

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: Cursio*

iv. Special Districts Association Liaison

*Director Miller Alt: Cursio*

v. Association of Monterey Bay Area Governments

*Director Sabo Alt: Leffel*

*Chair Sabo stated that he has also provided some notes about the conduct of Board Meetings. He included a copy of Rosenberg's Rules of Order, as mentioned in the Governance Manual. He stated that the procedures for Agenda Items will be handled as follows:*

- 1. Staff presentation of the issue at hand and analysis of the relevant facts.*
- 2. Chair will recognize Board Members for questions and clarifications by staff/counsel.*
- 3. Chair will recognize members of the public for comment.*
- 4. If item is agendaized for "Approval", Chair will entertain appropriate motions and seconds.*
- 5. Chair will recognize Board Members for comments, debate or amendments regarding the motion.*
- 6. Chair will call the question for a vote.*

*The signage indicating Agenda Item Procedure will be revised to reflect these changes.*

*Chair Sabo noted that if a motion by a Board Member is not seconded by another Board Member, the Chair will automatically second the motion to permit debate on the motion.*

## **H. 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 Special Meeting of November 26, 2018

Approve 2. Minutes of the Committee Meeting of the Airport Property Development and Leases Committee of December 7, 2018

Approve 3. Minutes of the Committee Meeting of the Air Carrier Service, Marketing and Community Relations Committee of December 7, 2018

Approve 4. Minutes of the Committee Meeting of the Budget and Finance Committee of December 10, 2018

Approve 5. Minutes of the Regular Meeting of December 12, 2018

*Director Leffel moved to approve Consent Agenda Items 1 through 5. Chair Sabo seconded the motion. The motion passed unanimously.*

## **I. DEFERRED CONSENT AGENDA - ACTION ITEMS**

*None.*

## J. REGULAR AGENDA - ACTION ITEMS

Presentation 1. Current Parking Situation and Future Options and Recommendations by Republic Parking

*Executive Director La Pier introduced Item J-1, stating that an overview of the current parking situation would be given along with recommendations for the future. Graham Leach, Airport Services Regional Director, Republic Parking provided the Board with a review of 2018, rate options by lot and the viability of an Economy Lot.*

Public Comment: *Mike Dawson, member of the public, noted that the website airportparking.com lists and compares parking rates for all airports.*

*The Board requested recommendations and explanations from staff regarding parking rates.*

*A break was taken from 11:41 AM until 11:49 AM.*

Adopt 2. Resolution No. 1737, Authorizing a Professional Services Agreement with Kimley-Horn and Associates Inc. for the Feasibility Analysis and Design of a Non-potable Water Distribution System - Finance Committee

*Chris Morello, Deputy Director of Strategy and Development, presented Item J.2, providing the Board with background information related to the proposed Water Distribution System. She stated that after soliciting for Statements of Qualifications from qualified firms interested in providing professional Consulting Services, Kimley-Horn and Associates Inc. was determined to be the most suited Engineering Firm to analyze and prepare Bid Specifications for this Water Distribution System*

Public Comment: *Tex Irwin, former member of the Board of Directors, asked how this distribution system would affect his water supply and the wells of the properties surrounding the airport.*

*Director Leffel moved to adopt Resolution No. 1737. Director Nelson seconded the motion. The motion passed unanimously by a roll call vote of 4-0.*

### **RESOLUTION NO. 1737**

#### **A RESOLUTION AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH KIMLEY-HORN AND ASSOCIATES INC. FOR THE FEASIBILITY ANALYSIS AND DESIGN OF A NON-POTABLE WATER DISTRIBUTION SYSTEM**

**WHEREAS**, On June 13, 2018, the Board adopted Resolution No. 1711, approving the FY 2019 Capital Budget, and on November 14, 2018 the Board adopted Resolution No. 1727 amending the 2019 Capital Budget, where both Resolutions contain project 2019-03 a Water Distribution System; and

**WHEREAS**, on December 12, 2018 the Board adopted Resolution No. 1736 the Reinstatement of the collection of Customer Facilities Charge (CFC), to fund a non-potable water distribution system for utilization by the QTA; and

**WHEREAS** the Airport must get each potential construction project designed in order to determine the cost of construction of the project. Additional analysis is also needed to determine the feasibility of the system, so Kimley-Horn and Associates, Inc. (KHA) will provide a complete engineering plan to properly scope, estimate the cost, and determine feasibility of the non-potable water distribution system.

**NOW THEREFORE BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE MONTEREY PENINSULA AIRPORT DISTRICT:** That MPAD contract with the firm of Kimley-Horn and Associates Inc. for the Feasibility Analysis and Design of a Non-potable Water Distribution System in an amount not-to-exceed \$270,900.00

**ADOPTED BY THE BOARD OF DIRECTORS OF THE MONTEREY PENINSULA AIRPORT DISTRICT:** This 9th day of January 2019 by the following roll call vote:

<b>AYES:</b>	<b>DIRECTORS:</b>	Cursio, Leffel, Nelson, Chair Sabo
<b>NOES:</b>	<b>DIRECTORS:</b>	None
<b>ABSTAIN:</b>	<b>DIRECTORS:</b>	None
<b>ABSENT:</b>	<b>DIRECTORS:</b>	Miller

Adopt 3. Resolution No. 1738, A Resolution of the Monterey Peninsula Airport District Approving the Industrial Disability Retirement of Devin Church

*Executive Director La Pier presented Item J.3, providing background information to the Board.*

*Director Leffel moved to adopt Resolution No. 1738. Director Cursio seconded the motion. The motion passed unanimously by a roll call vote of 4-0.*

#### **RESOLUTION NO. 1738**

#### **A RESOLUTION OF THE MONTEREY PENINSULA AIRPORT DISTRICT APPROVING THE INDUSTRIAL DISABILITY RETIREMENT OF DEVIN CHURCH**

**WHEREAS**, the Monterey Peninsula Airport District (hereinafter referred to as District) is a contracting agency of the California Public Employees' Retirement System (CalPERS); and

**WHEREAS**, the California Public Employees' Retirement Law requires that a contracting agency determine whether an employee of such agency in employment in which he/she is classified as a local safety member is disabled for purpose of the California Public Employees' Retirement Law and whether such disability is "industrial" within the meaning of such law; and

**WHEREAS**, an application for industrial disability retirement of based on orthopedic (back) condition from Devin Church employed by the Agency in the position of Police Officer will be filed with CalPERS; and

**WHEREAS**, the District has reviewed the medical and other evidence relevant to such alleged disability.

**NOW, THEREFORE, BE IT RESOLVED**, that the District finds and determines, and it does hereby find and determine that Devin Church is incapacitated within the meaning of the California Public Employees' Retirement Law for performance of his duties in the position of Police Officer for the orthopedic back condition; and

**BE IT FURTHER RESOLVED** that the District does hereby certify under penalty of perjury that this determination was made on the basis of competent medical opinion and was not used as a substitute for the disciplinary process in accordance with Government Code section 21156(a)(2). If the disciplinary process occurred before the member's separation from employment, all relevant personnel documents were forwarded to CalPERS for determination of the member's eligibility for disability retirement and CalPERS' determination that the member is eligible to apply for disability retirement was

obtained prior to starting the process of determination. Devin Church had filed a Workers' Compensation claim for his disabling condition. The Workers' Compensation claim was accepted.

**BE IT FURTHER RESOLVED** that Monterey Peninsula Airport District finds and determines and it does hereby find and determine that such disability is disease arising out of and in the course of employment. Neither Devin Church nor the Monterey Peninsula Airport District has applied to the Workers' Compensation Appeals Board for a determination pursuant to Government Code section 21166 whether such disability industrial.

**AND**

**BE IT FURTHER RESOLVED** that the member was separated from his employment in the position of Police Officer effective October 31, 2018 after the expiration of his rights under Government Code section 21164, effective October 31, 2018 and that no dispute as to the expiration of such leave rights is pending. His last day on pay status is October 31, 2018. There is not a possibility of third party liability. Advanced Disability Pension Payments will not be made. The primary disabling condition is orthopedic (back). The duration of the disabling condition is expected to be permanent or last at least twelve consecutive months from the date of the application for benefit or will result in death, which is certified by competent medical opinion, as determined on the basis of competent medical opinion.

**PASSED AND ADOPTED BY THE BOARD OF DIRECTORS OF THE MONTEREY PENINSULA AIRPORT DISTRICT:** This 9th day of January 2019 by the following roll call vote:

<b>AYES:</b>	<b>DIRECTORS:</b>	Cursio, Leffel, Nelson, Chair Sabo
<b>NOES:</b>	<b>DIRECTORS:</b>	None
<b>ABSTAIN:</b>	<b>DIRECTORS:</b>	None
<b>ABSENT:</b>	<b>DIRECTORS:</b>	Miller

Presentation 4. Information Regarding Limits on Board Member Stipends by District Counsel

*District Counsel Huber presented Item J.4.*

*A break was taken from 12:27 PM until 12:36 PM.*

**K. ACCEPTANCE OF DEPARTMENT REPORTS**

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

*It was noted that Police reports from Del Rey Oaks will be provided starting next month.*

**L. 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

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- iv. Special Districts Association Liaison

Director Leffel	Alt: Sabo
Director Leffel	Alt: La Pier
Director Sabo	Alt: Nelson
Director Miller	Alt: Sabo

**M. CLOSED SESSION**

*The Board entered into Closed Session at 1:27 PM.*

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. **REAL PROPERTY NEGOTIATIONS** (Government Code Section 54956.8) The Board will meet with Real Property Negotiators, Executive Director and District Counsel, regarding the property identified as 200 Fred Kane Drive, # 201, Monterey, CA 93940.
3. **POTENTIAL LITIGATION** (Government Code section 54956.9(d)(4)) The Board will meet with the Executive Director and District Counsel to discuss potential initiation of litigation – one case.

**N. RECONVENE TO OPEN SESSION**

*The Board returned to Open Session at 2:56 PM.*

*Chair Sabo reported that no action was taken during Closed Session.*

**O. PENDING REQUESTS FOR FUTURE AGENDA ITEMS**

- *Fort Ord Reuse Authority Presentation on the Eastside Parkway Project (tabled until completion of EIR)*
- *AMBAG Ex-Officio Representation*
- *Creation of Board Secretary Position and Discussion Regarding Positions Identified in the District's Enabling Act*

**P. DISCUSSION OF FUTURE AGENDAS**

*No new items were added.*

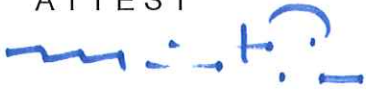
**Q. ADJOURNMENT**

*The meeting adjourned at 3:00 PM.*

Minutes Approved at the  
Meeting of February 13, 2019

  
William Sabo, Chair

ATTEST



Michael La Pier, AAE  
District Secretary