

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

**May 13, 2020 - 9:00 AM**

**SPECIAL AND URGENT NOTICE ELIMINATING IN-PERSON PUBLIC PARTICIPATION AT MONTEREY PENINSULA AIRPORT DISTRICT BOARD MEETINGS**

Due to the directives contained in the Governor's Declarations of Emergency for the State of California (Executive Orders N-25-20 and N-29-20) and the Governor's Stay at Home Order (Executive Order N-33-20), the Board of Directors of the Monterey Peninsula Airport District is required to limit in-person attendance at the upcoming Board Committee meeting. Members of the public may utilize alternative measures established by the Monterey Peninsula Airport District to listen to Board meeting and/or to communicate your opinions to the Board Members. To participate in the Board meeting via Zoom video conference, please visit [www.zoom.us/join](http://www.zoom.us/join) and enter the following Meeting ID: **834-0511-5415**. The password for this meeting is: **20200513**. If you do not have access to the internet, you may also participate telephonically by calling (253) 215-8782 and entering the same Meeting ID and password.

Members of the public who wish to provide comment on an item on the agenda may do so during the meeting prior to the item being considered by the Board.

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

*Chair Leffel called to order the Regular Meeting of the Board of Directors at 9:07 AM. Directors Cursio, Miller, Sabo and Sawhney were present. The following District Officers were present: District Counsel Huber, Acting District Secretary Auker, Deputy Executive Director Bergholz and Deputy Director Morello.*

**B. PLEDGE OF ALLEGIANCE**

*Chair Leffel asked for a moment of silence in observation of the Pledge of Allegiance.*

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

*Deputy Director Morello notified the Board of three chartered aircraft that would be flying into MRY, two Allegiant flights and one Southwest flight. She stated that the flights were transporting military troops onto the peninsula.*

*Director Sabo prepared the following written statement:*

*"Much of the media coverage about our airport lately has been rather sparse and quite frankly somewhat gloomy. MRY is a community asset with a future and we need to start talking about the good things that are happening here, now and in the future. San Jose airport sure is.*

*We need to not only begin our planning for recovery but immediately start an outreach to our outbound Monterey resident customers.*

*They are the core of our business going forward and they need to be made continuously aware the MRY is here now and will be in the future to safely serve their travel needs. We must regularly keep them informed of the measures we are taking to keep the terminal and boarding areas clean and sanitary.*

*In addition, our local residents need to know that MRY is financially stable due to the reserves we have accumulated and the award of Federal assistance through the CARES Act legislation.*

*They must be regularly informed as to the terminal services that are here for them to catch a ride to the airport, have food, rent a car, and maybe shop.*

*Most importantly, they need to know that they can still travel safely throughout the nation NOW. And further that booking future flights out of MRY is cheaper and most likely safer than San Jose*

*The destinations our airlines are flying to and how often needs to be regularly shared with these core local customers. Also, they need to be told what the airlines, along with TSA, are doing to assure their safety when they check-in to board aircraft out of MRY.*

*Our residents also need to be frequently assured that MRY is working and planning on their behalf with the airlines and our community partners to return all of our airline destinations to pre-pandemic service levels as well as new service when the crisis passes and the economy improves.*

*Finally, our Monterey County residents will see construction at the airport. They need to be informed as to what is being accomplished with our Federal grants. And most importantly they need to be reminded regularly that MRY is providing employment at a very critical time."*

#### **D. PUBLIC COMMENTS**

*Ken Rutherford, member of the public, stated that he wanted to mention that over the past three weeks in Del Rey Oaks he noticed a great improvement on the touch and go and pattern flying. He wanted to thank anyone on the Board or staff who may have communicated with the flight school, stating that he was certainly appreciative of not having the constant annoyance. He added that he had sent an email out to the Board and staff on April 15<sup>th</sup>, talking about one of the Agenda Items from last month. He stated that the Noise Complaint Log suggested that he was inquiring about the business license of the flight school and he wanted a correction of that, because he would never inquire about the business license. He clarified that he was inquiring about whether the flight school was engaged in a lease with the Airport. He asked to receive a response from someone when that correction has been made.*

#### **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 March 4, 2020  |
| Approve | 2. Minutes of the Committee Meeting of the Airport Property Development and Leases Committee of March 5, 2020                 |
| Approve | 3. Minutes of the Committee Meeting of the Budget and Finance Committee of April 8, 2020                                      |
| Approve | 4. Minutes of the Regular Meeting of April 15, 2020   |
| Approve | 5. Minutes of the Committee Meeting of the Airport Property Development and Leases Committee of April 23, 2020                |
| Approve | 6. Minutes of the Committee Meeting of the Air Carrier Service, Marketing and Community Relations Committee of April 24, 2020 |

Approve 7. Minutes of the Committee Meeting of the Budget and Finance Committee of April 27, 2020

Approve 8. Minutes of the Special Meeting of April 29, 2020

*Director Sabo pulled Item E.5, Minutes of the Committee Meeting of the Airport Property Development and Leases Committee of April 23, 2020, from the Consent Agenda.*

*Director Cursio moved to approve Consent Agenda Items E.1 through E.8, not including Item E.5. Director Sabo seconded the motion. The motion passed unanimously by a roll call vote of 5-0.*

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

*Director Sabo asked for clarification about the following statement in Item E.5, Minutes of the Committee Meeting of the Airport Property Development and Leases Committee of April 23, 2020:*

*“Deputy Director Morello and Deputy Executive Director Bergholz reviewed the options available to the airport relative to the grant and the decision to submit the required application requesting only operating assistance at this time.”*

*Deputy Director Morello explained that the CARES Act provided for three ways that the airport could submit the grant application: applying the funds to operating expenses, applying the full amount to a specific project, or a combination of operating expenses and a project. She stated that staff chose to just use the funds for operating expenses, not knowing the full extent of how long the pandemic would affect the airport.*

*Director Sabo moved to approve Deferred Consent Agenda Item E.5. Director Cursio seconded the motion. The motion passed unanimously by a roll call vote of 5-0.*

#### **G. REGULAR AGENDA - ACTION ITEMS**

Presentation 1. Update on the Investigation Report, Water Code Section 13267 Order, for the Determination of the Presence of Per- and Polyfluoroalkyl Substances (PFAS)

*Deputy Director Morello introduced Item G.1, stating that the presentation was a follow-up to the last nine months of the PFAS work plan, in compliance with the California State Water Resources Control Board's direction.*

*Heidi Dieffenbach-Carle, Associate Geologist, presented Item G.1. She discussed the background of the work plan, showed a generalized site plan, discussed groundwater sample results, and gave a summary of overall findings.*

*Public Comment: Karen Harris, member of the public, thanked Heidi for the thorough report. She asked, in reference to the results, about “Letter J”, where the lab estimated the data. She stated that when looking at the groundwater sample results, there are quite a few J's on that table. She asked why the Agenda packet did not include the diagrams from the report. She also asked why the data was estimated. Lastly, she asked about the movement of the dirt and the proposed environmentalist estimate.*

*Public Comment: Kimberley Shirley, member of the public, followed up with what Karen was asking. She stated that she was curious, given that it seems like these reports came out after the Airport's Environmental Assessment, she was wondering if the Airport anticipates that these results would influence the Master Plan projects in any way. She noted that she assumes that the Airport will take*

these numbers into consideration when moving forward and she would like to know if the report will slow down future projects because of what was found.

Public Comment: Frederica (last name not given), member of the public, asked whether or not the documents from the report will be Published on the District's website for the community to be aware of. She noted that this was specifically in reference to the areas that were documented with the different levels.

Public Comment: Douglas McKenzie, member of the public, thanked the Board for listening to his comment. He stated that he roughly compared the maps of the proposed Master Plan to the test sites and it appears to him that areas three and six, which have high levels of PFAS, are approximate to areas where the Airport intends to expand, so he thinks it will come into consideration.

Adopt 2. Resolution No. 1773, A Resolution of the Monterey Peninsula Airport District Approving Participation in the Electric Vehicle Charging Stations Program

Deputy Director Morello presented Item G.2, stating that pursuant to a grant program through the Monterey Bay Air Resources District (MBARD), ChargePoint, Inc. had notified the airport of eligibility to participate and be the recipient of four ChargePoint DC Fast Charge electric vehicle charging stations and related software/connection support. She added that this MBARD program could be used in conjunction with the California Electric Vehicle Infrastructure Project (CALeVIP) program that was presented to the Board at the December 11, 2019 meeting.

Director Miller moved to adopt Resolution No. 1773. Director Cursio seconded the motion. The motion passed unanimously by a roll call vote of 5-0.

#### **RESOLUTION NO. 1773**

#### **A RESOLUTION OF THE MONTEREY PENINSULA AIRPORT DISTRICT APPROVING PARTICIPATION IN THE ELECTRIC VEHICLE CHARGING STATIONS PROGRAM**

**WHEREAS**, the Electric Vehicle Charging Stations are being provided pursuant to the grant program through the Monterey Bay Air Resources District (the District); and

**WHEREAS**, ChargePoint, Inc. desires to provide to Site Host one or more electric vehicle charging stations and related equipment to Site Host and Site Host desires to accept participation.

**NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE MONTEREY PENINSULA AIRPORT DISTRICT THAT:** the Executive Director of the District, or his designee, is authorized and directed, for and on behalf of the Monterey Peninsula Airport District, to participate in the EV Charging Stations Program and to execute and submit all documents necessary to implement such participation. Such agreements and amendments executed by the Executive Director are hereby approved, as though set forth in full.

**ADOPTED BY THE BOARD OF DIRECTORS OF THE MONTEREY PENINSULA AIRPORT DISTRICT:** This 13th day of May 2020 by the following roll call vote:

**AYES:**           **DIRECTORS:**   Cursio, Miller, Sabo, Sawhney, Chair Leffel  
**NOES:**           **DIRECTORS:**   None  
**ABSTAIN:**       **DIRECTORS:**   None  
**ABSENT:**        **DIRECTORS:**   None

Adopt            3. Resolution No. 1774, A Resolution of the Monterey Peninsula Airport District Related to CARES Act Relief for Tier 1 Airport Tenants

*District Counsel Huber presented Item G.3, describing which aspects of rent would be abated under the proposed Resolution. He added that fifteen companies total were included as "Tier 1" tenants.*

*Director Sabo requested that the letter be modified to clarify why the included tenants were being classified under "Tier 1".*

*Director Cursio moved to adopt Resolution No. 1774. Director Miller seconded the motion. The motion passed unanimously by a roll call vote of 5-0.*

### **RESOLUTION NO. 1774**

#### **A RESOLUTION OF THE MONTEREY PENINSULA AIRPORT DISTRICT RELATED TO CARES ACT RELIEF FOR TIER 1 AIRPORT TENANTS**

**WHEREAS**, the Monterey Peninsula Airport District operates the Monterey Regional Airport to provide aviation and transportation services to the general public; and

**WHEREAS**, on March 17, 2020, the County Public Health Officer issued a shelter in place order which defined certain activities as "essential businesses" and which required restaurants to cease and desist all dine-in restaurant services; and

**WHEREAS**, on March 21, 2020, the President issued a Federal Declaration of Emergency due to the Coronavirus (COVID-19) pandemic; and

**WHEREAS**, On March 27, 2020, the Congress passed the Coronavirus Aid, Relief and Economic Security Act ("CARES Act") and the President signed the CARES Act into law. The CARES Act provides grants for airports with commercial airline service, among other forms of relief for small businesses, which enables airports to postpone and abate rent for aviation related tenants in some circumstances; and

**WHEREAS**, On April 15, 2020, the Board of Directors approved Resolution 1772, which authorized the Airport to receive designated funds from the CARES Act for utilization by the Airport pursuant to FAA authorized purposes; and

**WHEREAS**, On April 4, 2020, the FAA released an informational document titled *Information for Airport Sponsors Considering COVID-19 Restrictions or Accommodations*, which specifically addresses the potential for rent postponement and abatement for aviation-related users at commercial airports; and

WHEREAS, based upon the FAA guidance, the abatement of certain rent is appropriate for Tier 1 Airport tenants, which are those tenants who provide services directly to commercial airport customers, including airlines, rental car companies, air terminal tenants, and restaurant/gift shop tenants; and

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE MONTEREY PENINSULA AIRPORT DISTRICT that the Executive Director, or a designee, is authorized to abate rent for Tier 1 aviation related tenants. For restaurant related Tier 1 tenants, the rent abatement eligibility shall be from April 1, 2020 through October 31, 2020, based upon current economic conditions. All other Tier 1 tenants shall have rent abatement eligibility from May 1, 2020 through October 31, 2020, based upon current economic conditions. In the event that the economic conditions materially improve, the Executive Director is authorized to discontinue prior to October 31, 2020 the abatement of rent.

ADOPTED BY THE BOARD OF DIRECTORS OF THE MONTEREY PENINSULA AIRPORT DISTRICT: This 13th day of May 2020 by the following roll call vote:

AYES:	DIRECTORS:	Cursio, Miller, Sabo, Sawhney, Chair Leffel
NOES:	DIRECTORS:	None
ABSTAIN:	DIRECTORS:	None
ABSENT:	DIRECTORS:	None

**H. BOARD COMMITTEE REPORTS AND ACCEPTANCE OF DEPARTMENT REPORTS**

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

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

a. Standing Committees:

i. Budget and Finance Directors Cursio & Leffel

*A break was taken from 10:55 AM to 11:18 AM.*

ii. Air Service, Marketing, Community Relations Directors Sabo & Sawhney

iii. Airport Property Development and Leases Directors Leffel & Miller

b. Ad-Hoc Committees:

i. Local Jurisdiction Liaison Directors Leffel & Miller

c. Liaison/Representatives:

i. Local Agency Formation Commission Director Leffel Alt: Sawhney

ii. Regional Taxi Authority Director Cursio Alt: Leffel

iii. Transportation Agency for Monterey County Director Sabo Alt: Cursio

iv. Special Districts Association Liaison Director Miller Alt: Leffel

v. Association of Monterey Bay Area Governments E.D. La Pier Alt: Sabo

**I. CLOSED SESSION**

*The Board entered into Closed Session at 12:03 PM.*

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

**J. RECONVENE TO OPEN SESSION**

*The Board returned to Open Session at 1:26 PM.*

*Chair Leffel stated that no reportable action was taken during Closed Session.*

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

*None.*

**L. DISCUSSION OF FUTURE AGENDAS**

- *COVID-19 Recovery Plan (Sabo)*
- *Rules and Regulations*

*Chair Leffel stated that there would be a Finance Committee meeting on May 22<sup>nd</sup> at 10:00 AM, followed by a Special Meeting of the Board of Directors (Budget Workshop) on May 28<sup>th</sup> at 9:00 AM.*

**M. ADJOURNMENT**

*The meeting adjourned at 1:32 PM.*

Minutes Approved at the  
Meeting of June 17, 2020



Mary Ann Leffel, Chair

ATTEST



Michael La Pier, AAE  
District Secretary