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

August 16, 2023 - 9:00 AM

Due to the expiration of the COVID-19 California State of Emergency, the Monterey Peninsula Airport District will return 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. In general, remote comments will not be allowed, except as outlined in the limited circumstances 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.

Members of the public who desire to make a 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 Regular Meeting of the Monterey Peninsula Airport District Board of Directors at 9:02 AM. Directors Gaglioti, Pick, and Miller were in attendance. 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

Director Gaglioti led the Pledge of Allegiance.

C. COMMUNICATIONS/ANNOUNCEMENTS/INFORMATIONAL ITEMS

District Counsel Huber announced that Director Leffel requested remote attendance at today's meeting due to a medical issue, which is included under the statutory definition of "emergency circumstances". Since this item came to the attention of the Airport subsequent to the posting of the agenda for this August 16, 2023 meeting, pursuant to Government Code Section 54954.2, Counsel Huber requested the Board take action to add the consideration of this item to the agenda.

Director Miller motioned to amend the agenda to add Item C.1 to consider the request for remote attendance by a Board Member due to emergency circumstances. Director Pick seconded the motion.

No Public Comment.

The motion passed unanimously by a roll call vote of 4-0 with Director Leffel absent.

C.1 Approve Remote Attendance by Director Leffel due to Emergency Circumstances

Director Miller motioned to approve the remote attendance by Director Leffel due to emergency circumstances. Director Pick seconded the motion. District Counsel Huber explained that, if approved, remote public comments would be allowed, and all votes would be by roll call.

No Public Comment.

The motion passed unanimously by a roll call vote of 4-0 with Director Leffel absent.

Director Leffel joined the meeting by Zoom videoconference at 9:08 AM.

Executive Director La Pier announced the invitation for the Aircraft Rescue and Fire Fighting (ARFF) facility housewarming and ribbon cutting has been placed on the dais and will be emailed today to invited guests.

Director Gaglioti announced he needed to leave the meeting at Noon today.

Chair Sawhney announced the Monterey Regional Airport won the 2023 Monterey Peninsula Chamber of Commerce Business Excellence Award in the category of Government, Public Utilities & Transportation.

D. PUBLIC COMMENTS ON NON-AGENDA ITEMS

No Public Comment.

E. CONSENT AGENDA - ACTION ITEMS

Approve	1.	Minutes of the Special Meeting of the Monterey Peninsula Airport District Board of
		Directors of July 14, 2023

Approve 2. Minutes of the Regular Meeting of the Monterey Peninsula Airport District Board of Directors of July 19, 2023

Approve 3. Minutes of the Special Meeting of the Monterey Peninsula Airport District Board of Directors of August 7, 2023

Approve 4. Minutes of the Airport Property Development & Leases Committee Meeting of August 9, 2023

Approve 5. Minutes of the Air Carrier Service - Marketing - Community Relations Committee Meeting of August 9, 2023

Approve 6. Proclamation in Recognition of Hagerty and Broad Arrow Group for their Motorlux Monterey Car Week Kickoff Event and Monterey Jet Center Auction

Chair Sawhney pulled Consent Agenda Item E.6. Director Pick motioned to approve Consent Agenda Items E.1 – E.5. Director Miller seconded. The motion passed unanimously by a roll call vote of 5-0.

F. DEFERRED CONSENT AGENDA - ACTION ITEMS

Chair Sawhney acknowledged the Proclamation for Hagerty and Broad Arrow Group for their Motorlux Monterey Car Week Kickoff Event happening at the Monterey Jet Center on Airport property.

Director Pick motioned to approve Consent Agenda Item E.6. Director Gaglioti seconded. There was no Public Comment. The motion passed unanimously by a roll call vote of 5-0.

G. REGULAR AGENDA - ACTION ITEMS

Adopt

1. Adopt Resolution No. 1853, A Resolution of Intent of the Monterey Peninsula Airport District to Approve a Memorandum of Understanding between City of Monterey and Monterey Peninsula Airport District Related to the Detachment of Certain Airport Properties from the City of Monterey

District Counsel Huber reviewed the staff report. He pointed out the Memorandum of Understanding (MOU) is an agreement in concept between the Airport and the City of Monterey, but all details will come back to the Board; approving the MOU doesn't waive any rights.

Hans Uslar, City Manager of the City of Monterey, made public comments, including that the City wants to move forward, there are no large obstacles, there is a good working relationship, and that the County will be a third party involved in the process.

District Counsel Huber answered questions regarding the process and some of the details to be worked out between the three parties.

District Counsel Huber stated that since this item is related to the Fire Contract with the City of Monterey, Chair Sawhney would need to recuse herself. Chair Sawhney turned the floor over to Director Leffel as Chair Pro Tem and excused herself from the meeting.

Director Miller motioned to adopt Resolution No. 1853, A Resolution of Intent of the Monterey Peninsula Airport District to Approve a Memorandum of Understanding between City of Monterey and Monterey Peninsula Airport District Related to the Detachment of Certain Airport Properties from the City of Monterey. Director Gaglioti seconded the motion. The motion passed unanimously by a roll call vote of 4-0 with Chair Sawhney absent.

RESOLUTION NO. 1853

A RESOLUTION OF INTENT OF THE MONTEREY PENINSULA AIRPORT DISTRICT TO APPROVE A MEMORANDUM OF UNDERSTANDING BETWEEN CITY OF MONTEREY AND MONTEREY PENINSULA AIRPORT DISTRICT RELATED TO THE DETACHMENT OF CERTAIN AIRPORT PROPERTIES FROM THE CITY OF MONTEREY

WHEREAS, LAFCO is the agency responsible for coordinating and overseeing changes to local government boundaries, including annexation and detachment of territory; and

WHEREAS, the Monterey Peninsula Airport District ("District") intends to file an application with LAFCO to detach approximately 16.85 acres from the City of Monterey ("City") to unincorporated County; and

WHEREAS, the District is unique in Monterey County in that it has land use authority that allows it to solely determine what land uses are allowed on its property, as well as the height, density, and design of structures. The airport does not come under the land use permitting authority of the County pursuant to *Monterey County Peninsula Airport District v. County of Monterey*, Monterey County Superior Court, Case Number 41308 (1956); and

WHEREAS, the District and the City will negotiate in good faith to resolve all remaining issues resulting from the detachment, including but not limited to fairly compensating the City for lost revenue

from business license tax revenue and possessory/property tax revenue, boundary and ownership of roads boarding and within the detachment area, and to an appropriate setback from Highway 68 for all development in the detachment area; and

WHEREAS, the District determines that the proposed action is not a project as defined by the California Environmental Quality Act (CEQA) (CCR, Title 14, Chapter 3 ("CEQA Guidelines"), Article 20, Section 15378). In addition, CEQA Guidelines Section 15061 includes the general rule that CEQA applies only to activities which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. Because the proposed action and this matter have no potential to cause any effect on the environment, or because it falls within a category of activities excluded as projects pursuant to CEQA Guidelines section 15378, this matter is not a project. Because the matter does not cause a direct or any reasonably foreseeable indirect physical change on or in the environment, this matter is not a project. Any subsequent discretionary projects resulting from this action will be assessed for CEQA applicability.

NOW, THEREFORE, BE IT RESOLVED that the above recitals are true and correct and are incorporated herein by reference.

BE IT FURTHER RESOLVED THAT the Monterey Peninsula Airport District hereby approves of the Memorandum of Understanding between City of Monterey and Monterey Peninsula Airport District related to the detachment of certain airport properties from the City of Monterey, a copy of which is attached to this Resolution as Exhibit A.

BE IT FURTHER RESOLVED THAT the Executive Director is authorized and directed to execute the attached Memorandum of Understanding between City of Monterey and Monterey Peninsula Airport District related to the detachment of certain airport properties from the City of Monterey.

PASSED AND ADOPTED BY THE BOARD OF DIRECTORS OF THE MONTEREY PENINSULA AIRPORT DISTRICT: This 16th day of August 2023.

AYES:

DIRECTORS:

Gaglioti, Pick, Miller, and Leffel

NOES: ABSTAIN: DIRECTORS:

None

DIRECTORS:

None

ABSENT:

DIRECTORS:

Sawhney

Adopt

 Adopt Resolution No. 1854, A Resolution of Intent of the Monterey Peninsula Airport District to Approve Agreement to Provide Fire Services between the City of Monterey and the Monterey Peninsula Airport District

District Counsel Huber introduced Item G.2 and thanked the City of Monterey's Attorney for being focused on mutual benefit. He explained the staging area for daytime emergency response, the increase from the original proposal to a five-year agreement and noted that there was a 5% increase in cost per year included in the agreement.

Gaudenz Panholzer, Fire Chief of the Monterey Fire Department, thanked the Monterey Peninsula Airport District Board of Directors, saying it was a very workable agreement for all.

Hans Uslar, City Manager of the City of Monterey, echoed the thanks and stated his desire to continue to build on the partnership.

Phillip Bezouska, representing the Monterey Fire Department's labor union, also thanked the Board.

Chief Panholzer answered questions from Directors.

District Counsel Huber stated a proposed amendment to Resolution No. 1854 as presented in the packet, has been placed on the dais. If adopted, the phrase "from the new Airport fire station at 1600 Airport Road, Suite A, Monterey, CA" would be added to the end of the fourth paragraph and the agreement would be corrected to show the fire station address as 1600 Airport Road.

Director Pick moved to adopt Resolution No. 1854, A Resolution of Intent of the Monterey Peninsula Airport District to Approve Agreement to Provide Fire Services between the City of Monterey and the Monterey Peninsula Airport District as amended. Director Gaglioti seconded the motion. The motion passed unanimously by a roll call vote of 4-0 with Chair Sawhney absent.

RESOLUTION NO. 1854

A RESOLUTION OF INTENT OF THE MONTEREY PENINSULA AIRPORT DISTRICT TO APPROVE AGREEMENT TO PROVIDE FIRE SERVICES BETWEEN THE CITY OF MONTEREY AND THE MONTEREY PENINSULA AIRPORT DISTRICT

WHEREAS, the Monterey Peninsula Airport District currently contracts with the City of Monterey for fire services at the Monterey Regional Airport; and

WHEREAS, the Monterey Peninsula Airport District appreciates the quality of fire service provided by the City of Monterey to the Airport and its patrons; and

WHEREAS, the current fire services agreement is set to expire on October 1, 2023; and

WHEREAS, representatives of City of Monterey and the Monterey Peninsula Airport District have met and renegotiated terms for a new agreement for continued fire service to be provided by the City of Monterey to the Monterey Peninsula Airport District from the new Airport fire station at 1600 Airport Road, Suite A, Monterey, CA; and

NOW, THEREFORE, BE IT RESOLVED, that the Monterey Peninsula Airport District hereby approves of the Agreement to Provide Fire Services Between the City of Monterey and the Monterey Peninsula Airport District, a copy of which is attached to this Resolution as Exhibit A.

BE IT FURTHER RESOLVED THAT the Executive Director is authorized and directed to execute the attached Agreement to Provide Fire Services Between the City of Monterey and the Monterey Peninsula Airport District.

PASSED AND ADOPTED BY THE BOARD OF DIRECTORS OF THE MONTEREY PENINSULA AIRPORT DISTRICT: This 16th day of August 2023.

AYES: DIRECTORS: Gaglioti, Pick, Miller, and Leffel

NOES: DIRECTORS: None
ABSTAIN: DIRECTORS: None
ABSENT: DIRECTORS: Sawhney

Adopt

3. Adopt Resolution No. 1855, A Resolution Approving A Non-Federal Reimbursable Agreement between the Department of Transportation Federal Aviation Administration and the Monterey Peninsula Airport District

Chair Sawhney returned to the meeting at 9:53 AM.

Deputy Executive Director Morello introduced Item G.3 and explained that adopting Resolution No. 1855 would provide reimbursable funding for the FAA to complete engineering and technical support to relocate the Remote Transmitter/Receiver (RTR) cables servicing Monterey Airport Traffic Control Tower (ATCT) impacted by the relocated commercial apron and airport terminal projects.

Deputy Executive Director Morello answered questions.

No Public Comment.

Director Gaglioti motioned to adopt Resolution No. 1855, A Resolution Approving A Non-Federal Reimbursable Agreement between the Department of Transportation Federal Aviation Administration and the Monterey Peninsula Airport District. Director Leffel seconded the motion. The motion passed unanimously by a roll call vote of 5-0.

RESOLUTION NO. 1855

A RESOLUTION APPROVING A NON-FEDERAL REIMBURSABLE AGREEMENT BETWEEN DEPARTMENT OF TRANSPORTATION FEDERAL AVIATION ADMINISTRATION AND MONTEREY PENINSULA AIRPORT DISTRICT

WHEREAS, On November 26, 2018 the Board of Directors of the Monterey Peninsula Airport District (MPAD) approved Resolution No. 1730 certifying Final Environmental Impact Report (EIR) (SCH 2015121105), and Resolution No. 1731, approving Alternative 1 as the Airport Master Plan Project for Monterey Regional Airport; and

WHEREAS, On April 20, 2022, the BOD approved Resolution No. 1819 and certified the Revised Addendum to FEIR for the Minor Project Modifications and approved Resolution No. 1820 the Minor Project Modifications to the MRY Master Plan; and

WHEREAS, The FY23 Adopted Capital Improvement Budget contains Project 2023-01 Safety Enhancement Program (SEP) Phase B2 Commercial Apron Construction and the approved Airport Capital Improvement Program (ACIP) for FY 2022-2028 includes this SEP project phase; and

WHEREAS, The Federal Aviation Administration (FAA) can furnish directly or by contract, material, supplies, equipment, and services which the Monterey Peninsula Airport District (Sponsor) requires, has funds available for, and has determined should be obtained from the FAA; and

WHEREAS, The purpose of this Agreement between the FAA and the Sponsor is to perform design review, site survey, cost estimate and engineering consulting services relating to the relocation of the FAA's Remote Transmitter/Receiver (RTR) cables servicing Monterey Airport Traffic Control Tower (ATCT) impacted by the Sponsor's project to construct a relocated commercial apron and airport terminal; and

WHEREAS, This Agreement provides funding for the FAA to complete Engineering and Technical Support to Relocate Remote Transmitter/Receiver (RTR) Cables.

NOW THEREFORE BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE MONTEREY PENINSULA AIRPORT DISTRICT: That MPAD execute the agreement with the Department of Transportation Federal Aviation Administration, Western Service Area in the amount not-to-exceed \$81,834.00 and authorize the Executive Director, or his designee, to execute said contract.

PASSED AND ADOPTED BY THE BOARD OF DIRECTORS OF THE MONTEREY PENINSULA AIRPORT DISTRICT: This 16th day of August 2023, by the following roll call vote:

AYES: DIRECTORS: Gaglioti, Pick, Leffel, Miller & Sawhney

NOES: DIRECTORS: None ABSTAIN: DIRECTORS: None ABSENT: DIRECTORS: None

Adopt 4. Adopt Resolution No. 1856, A Resolution Authorizing and Approving the Service Agreement between the Monterey Peninsula Airport District and Runway Safe

Executive Director La Pier introduced Item G.4. Deputy Executive Director Morello reviewed the Staff Report.

Deputy Executive Director Morello answered questions about the long lead time, saying it was due to labor scheduling rather than materials.

No Public Comment.

Director Miller motioned to adopt Resolution No. 1856, A Resolution Authorizing and Approving the Service Agreement between the Monterey Peninsula Airport District and Runway Safe. Director Pick seconded the motion. The motion passed unanimously by a roll call vote of 5-0.

RESOLUTION NO. 1856

A RESOLUTION AUTHORIZING AND APPROVING THE SERVICE AGREEMENT BETWEEN THE MONTEREY PENINSULA AIRPORT DISTRICT AND RUNWAY SAFE

WHEREAS, on June 21, 2023 Resolution 1848, A Resolution Authorizing and Approving the Operating Budget and Capital Budget of The Monterey Peninsula Airport District (MPAD) for Fiscal Year 2024 was adopted; and

WHEREAS, District-Only funded Capital Improvement Projects 2024-03 Airfield and Property Maintenance is included as a FY24 capital improvement project; and

WHEREAS, This project is Exempt from California Environmental Quality Act (CEQA) per exemption Article 19, Section 15301, Class 1.

NOW THEREFORE BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE MONTEREY PENINSULA AIRPORT DISTRICT: That MPAD contract with the firm of Runway Safe to conduct a Field

Strength Test (FST) on the two Engineered Materials Arrestor System (EMAS) beds at Monterey Airport (MRY) for Runway 10R/28L in an amount not-to-exceed \$64,000.00.

PASSED AND ADOPTED BY THE BOARD OF DIRECTORS OF THE MONTEREY PENINSULA AIRPORT DISTRICT: This 16th day of August 2023 by the following roll call vote:

AYES: DIRECTORS: Gaglioti, Pick, Leffel, Miller & Sawhney

NOES: DIRECTORS: None ABSTAIN: DIRECTORS: None DIRECTORS: None

Discuss 5. Del Rey Oaks (DRO) Police Services Agreement FY24 Cost of Service and Method of Determining Cost

Executive Director La Pier introduced Item G.5 saying this was covered in the budget process but Staff was asked to provide opportunity for discussion by the Board.

Chair Sawhney objected to the fact there was no staff report and no visual presentation and asked that this item be moved to the next meeting when that would be provided.

Chair Sawhney answered questions from Directors about the reason this item was put on the agenda.

Executive Director La Pier gave an overview of the contract and stated the automatic renewal had already taken place, staff was very pleased with the service and the arrangement, and the relationship between the Del Rey Oaks Police Department and Monterey Peninsula Airport District is very positive. He explained the reason for the seemingly large jump in the cost, saying in actuality we had been being undercharged and that is now rectified on a go-forward basis. There is one item that is still under discussion and that is the billing of the UAL, which is not in the agreement. Executive Director La Pier assured the board that if a provision of the agreement were to change it would come before the Board.

Chair Sawhney moved to continue this item at the next regular meeting. Directors generally supported written material and/or presentations going forward but did not support moving this item to the next meeting agenda unless something changed and there was an action item.

Chair Sawhney moved this item back to "Pending Requests for Future Items".

No Public Comment.

Discuss 6. Role and Function of the Local Jurisdiction Liaison Ad Hoc Committee

Directors discussed the possible future role of the Local Jurisdiction Liaison Ad Hoc Committee that has been dormant since prior to the COVID shutdowns.

Directors Leffel and Miller gave reports on how the committee had been used in the past.

District Counsel Huber answered questions about the difference between an Ad Hoc and a Standing Committee.

There was general consensus to have informal meetings and for Executive Director La Pier to approach two specific local jurisdictions about scheduling time to learn more about each other's current projects.

A break was taken from 10:42 AM to 10:50 AM.

When the meeting reconvened Chair Sawhney announced Director Leffel had left the meeting at 10:43 AM.

Direction 7. Remote Participation at Board Meetings by Members of the Public

District Counsel Huber introduced Item G.7 and reviewed the history and current provisions of the Brown Act as it related to remote participation of board members and the public. He noted, however, there is a provision of the Brown Act which provides, in pertinent part, "Access to Meetings beyond Minimal Standards: Notwithstanding any other provision of law, legislative bodies...may impose requirements upon themselves which allow greater access to their meetings than prescribed by the minimal standards set forth in this chapter."

Jean Rasch, a member of the public, provided public comment in favor of remote public comment being allowed regardless of whether a board member was attending remotely or not.

Directors discussed the idea of allowing remote public participation at all board meetings.

District Counsel received direction to bring a Resolution and proposed revisions to the Governance Manual to a future meeting to allow remote public participation at all board meetings with certain time limit parameters.

Discuss 8. Emergency Procedures and Preparedness

Executive Director La Pier gave a verbal report on the capabilities of Airport generators during power outages, the systems that rely on ISP providers, and an overview of the airport security plan and airport certification emergency plan requirements. Deputy Executive Director Morello added that all aviation tenants have subset complementary plans for emergency services also; there are layers of plans.

Chair Sawney asked about an emergency communication and PR plan. Executive Director La Pier stated informative communication to the board has increased as has the use of social media to broadcast information to the public.

Chair Sawhney asked to move Closed Session Item I.1 Potential Litigation to prior to Item H. Board Committee Reports and Acceptance of Department Reports, and to defer Closed Session Item I.2 Annual Evaluation, until Director Leffel could participate. The board concurred and agreed to schedule a Special Meeting for the Annual Evaluation of the Executive Director.

I. CLOSED SESSION

- 1. **POTENTIAL LITIGATION.** Pursuant to Gov. Code 54957.6(b)(2), the board will meet with the Executive Director and General Counsel related to potential exposure to litigation: one case.
- 2. ANNUAL EVALUATION [Government Code Section 54957(b)]. The Board will meet with the Executive Director and District Counsel to consider the annual evaluation related to the following position: Executive Director.

The board entered Closed Session at 11:46 AM.

J. RECONVENE TO OPEN SESSION

The board reconvened to Open Session at 12:05 PM. There was no reportable action taken.

Chair Sawhney reported Director Gaglioti excused himself from the meeting at 12:02 PM.

H. BOARD COMMITTEE REPORTS AND ACCEPTANCE OF DEPARTMENT REPORTS

Standing Committees:

i. Budget and Finance Director Leffel

ii. Air Service, Marketing, Community Relationsiii. Airport Property Development and LeasesDirectors Sawhney & Miller

b. Ad-Hoc Committees:

i. Local Jurisdiction Liaison Director Sawney & Leffel

c. <u>Liaison/Representatives</u>:

i. Local Agency Formation Commissionii. Regional Taxi AuthorityDirector Leffel Director Pick

iii. Transportation Agency for Monterey County Vacant

iv. Special Districts Association Liaison Director Sawhney

v. Association of Monterey Bay Area Governments Director Miller

There were no questions for Standing Committee members.

Deputy Executive Director Morello answered questions about the Police Report that referred to the damage to the terminal building.

There was no Local Jurisdiction Meeting.

Director Leffel was not present to give a LAFCO report.

There was no Regional Taxi Authority meeting.

The TAMC representative has not yet been determined.

Chair Sawhney had no report to give from Special Districts.

Director Miller reported four board members will attend the CSDA Annual Conference being held in Monterey, CA at the end of August.

Director Miller gave the report for AMBAG.

K. PENDING REQUESTS FOR FUTURE AGENDA ITEMS

None.

L. DISCUSSION OF FUTURE AGENDAS

- Resolution & Governance Manual Revisions to Allow Remote Public Participation in Board Meetings under Specific Guidelines
- Del Rey Oaks (DRO) Police Services Agreement FY24 Cost of Service

M. ADJOURNMENT

The meeting adjourned at 12:17 PM.

Approved at the

Meeting of September 20, 2023

Mary Ann Leffel, Chair Pro Tem

ATTEST

Michael La Pier, AAE

District Secretary