

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

April 21, 2021 - 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 and County Public Health Officer's recent order related to public assemblies, the Board of Directors of the Monterey Peninsula Airport District is required to limit in-person attendance at the upcoming Board 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 and enter the following Meeting ID: 831 5980 6844. 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. 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, as outlined below.

REMOTE PUBLIC COMMENTS To make a public comment, the following options are available:

1. Before the Meeting via Email: Written comments can be emailed to info@montereyairport.com. Include the following subject line: "Public Comment Item # (insert the agenda item number relevant to your comment)." Written comments must 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. The written comments will be read aloud into the record by District Counsel.
2. During the Meeting via Oral Comments: 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.

A. CALL TO ORDER/ROLL CALL

Chair Cursio called to order the Regular Meeting of the Board of Directors at 9:01 AM. Directors Leffel, Miller, Sabo and Sawhney were present. The following District Officers were present: Executive Director La Pier, District Counsel Huber, Acting District Secretary Auker, Deputy Executive Director Bergholz and Deputy Director Morello.

B. PLEDGE OF ALLEGIANCE

Chair Cursio requested a moment of silence in observance of the lives lost during the COVID-19 pandemic, in lieu of the Pledge of Allegiance.

C. COMMUNICATIONS/ANNOUNCEMENTS/INFORMATIONAL ITEMS

Director Sabo stated that the hours for the Air Traffic Control Tower are back to being open until 9:00 PM.

D. PUBLIC COMMENTS ON NON-AGENDA ITEMS

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 Regular Meeting of March 17, 2021
- Approve 2. Minutes of the Committee Meeting of the Air Carrier Service, Marketing and Community Relations Committee of April 7, 2021
- Approve 3. Minutes of the Committee Meeting of the Airport Property Development and Leases Committee of April 8, 2021
- Approve 4. Minutes of the Committee Meeting of the Budget and Finance Committee of April 13, 2021

Director Sabo requested to pull Consent Agenda Item E.2.

Director Leffel moved to approve Items E.1, E.3 and E.4. Director Miller seconded the motion. The motion passed unanimously by a roll call vote of 5-0.

F. DEFERRED CONSENT AGENDA - ACTION ITEMS

Director Sabo requested that the following amendments be made to the Minutes of the Committee Meeting of the Air Carrier Service, Marketing and Community Relations Committee of April 7, 2021:

- *For Item D.3, paragraph three, he asked to replace monthly with quarterly and add "similar to Santa Rosa".*
- *For Item D.4, he requested to add "Director Sabo inquired if user comments were being received and recorded by telephone and documented. La Pier indicated that user comments or complaints were never received by phone."*

Director Leffel moved to approve Item E.2, with Director Sabo's amendments. Director Miller seconded the motion. The motion passed unanimously by a roll call vote of 5-0.

G. REGULAR AGENDA - ACTION ITEMS

- Approve 1. Amendment to Lease with Rio Restaurants Corporation (Tarpys) to Establish Rent for Option Period

Executive Director La Pier presented Item G.1. He gave an overview of the current lease along with the prior amendment to the lease, which was approved in May 2015. He also noted that the corporate entity "Rio Restaurants Corporation" was sold by the prior owner to Ken Donkersloot in July 2020. He added that pursuant to a term in the lease, the owner of Tarpys requested a meeting with Airport officials to establish the rate for the upcoming option period and the parties had tentatively agreed, subject to Board approval, to a 2% adjustment in rent for the first year of the option period, with a CPI adjustment for years two through five of the first option. He noted that the owner has also agreed to a minimum of \$100,000 in infrastructure improvements, if the amendment is approved.

Director Miller stated that proposed Lease Amendment and the proposed improvements was reviewed extensively by Lease Committee and they recommend approval by the Board.

The Board discussed Item G.1.

No public comments.

Director Leffel stated that the owner is also referenced as doing business as "Coastal Roots Hospitality" and she recommended that District Counsel Huber amend the Lease Amendment to include that. She

also requested that he add a note about the \$100,000 in improvements that have been agreed to. She requested that those changes be made, and Item G.1 be brought back to the Board after Closed Session.

Chair Cursio agreed and asked District Counsel Huber to make the recommended changes to the Lease Amendment. He tabled Item G.1 until after Closed Session.

Approve 2. Landrum and Brown Rates and Charges Analysis and Airline Lease Agreement

Executive Director La Pier presented Item G.2. He stated that the completion of an in-depth analysis of the current rates and charges model and an evaluation and modification of the current Airline Lease Agreement came out of discussion regarding the financial analysis of the Safety Enhancement Program at the February 25, 2021 Special Meeting. He added that two consultants were interviewed regarding completion of the analysis and the firm Landrum and Brown was chosen based on their experience with similar projects.

Director Miller stated that the proposed Agreement was reviewed extensively by Lease Committee and they recommend approval by the Board.

Director Leffel stated that neither the proposed agreement nor the previous Lease Amendment was presented to Finance Committee.

The Board discussed Item G.2.

No public comments.

Director Sabo moved to approve the Landrum and Brown Agreement. Director Miller seconded the motion.

Director Leffel stated that she is not opposed to the study, but she is opposed to the timing. She noted that she would prefer to put this work in the next fiscal year, to get through the summer and to see how the community progresses. Director Sawhney also expressed that concern regarding the timing of the study.

Director Miller asked if Executive Director La Pier thought it would be best to go back to the consultants and ask them about timing. Executive Director responded that he could, but his goal was to complete the study now, while there was more time to get the work done in a more relaxed manner.

Director Sabo reiterated his favor of completing the study now, so the information would be available sooner, and for the changes to be implemented at a later time.

The motion passed by a roll call vote of 3-2. Directors Leffel and Sawhney voted no.

Adopt 3. Resolution No. 1798, A Resolution Approving a Professional Service Agreement with C&S Engineers Inc. for the Safety Enhancement Program (SEP) Taxiway A Relocation – Phase A1 Commercial Apron Design

Deputy Director Morello presented Item G.3. She gave background information on the Item, stating that on November 26, 2018, the Board adopted Resolution No. 1730, certifying the Final Environmental Impact Report and Resolution No. 1731, approving Alternative 1 as the Airport Master Plan Project. She added that the Board also adopted Resolution No. 1792, approving the FY 2021 Airport Capital Improvement Plan that included the Airfield Safety Enhancement Program (SEP) for Taxiway "A" Relocation and Resolution No. 1796, approving the FY 2021 Capital Improvement Budget Amendment,

which included the Safety Enhancement Program (SEP) For Taxiway A Relocation – Phase A1 Commercial Apron Design.

Deputy Director Morello stated that Airport Staff solicited for Statements of Qualifications from qualified firms and staff reviewed and ranked the five submitting firms. She noted that based upon review of the experience and qualification data received, C&S Engineers Inc. was determined to be the most qualified engineering firm.

Director Leffel stated that the proposed Resolution No. 1798 was reviewed extensively by Finance Committee and they recommend approval by the Board.

The Board discussed Item G.3.

No public comments.

Director Leffel moved to adopt Resolution No. 1798. Director Sabo seconded the motion. The motion passed unanimously by a roll call vote of 5-0.

RESOLUTION NO. 1798

A RESOLUTION APPROVING A PROFESSIONAL SERVICES AGREEMENT WITH C&S ENGINEERS INC. FOR THE SAFETY ENHANCEMENT PROGRAM (SEP) FOR TAXIWAY A RELOCATION – PHASE A1 COMMERCIAL APRON DESIGN

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, the work and services to be performed by C&S Engineers Inc. under the proposed Agreement is consistent with, and covered by, the Final EIR for the Airport Master Plan Project; and

WHEREAS, On January 20, 2021 the Board of Directors MPAD adopted Resolution No. 1792, a Resolution Approving the FY 2021 Airport Capital Improvement Plan (ACIP) that included the Airfield Safety Enhancement Program (SEP) for Taxiway "A" Relocation as evaluated in the National Environmental Policy Act (NEPA) Finding of No Significant Impact (FONSI) dated June 8, 2020; and

WHEREAS, the Board of Directors of the Monterey Peninsula Airport District (MPAD) adopted Resolution No. 1796, approving the FY 2021 Capital Improvement Budget Amendment on March 17, 2021, which included the Safety Enhancement Program (SEP) For Taxiway A Relocation – Phase A1 Commercial Apron Design; and

WHEREAS, based on the approved FY2021 ACIP, the Federal Aviation Administration (FAA) has indicated a willingness to fund a FY21 Commercial Apron Design grant under the Airport Improvement Program (AIP); and

WHEREAS, the FAA San Francisco Airport District Office has concurred with the Scope of Work and Record of Negotiation.

NOW THEREFORE BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE MONTEREY PENINSULA AIRPORT DISTRICT: That MPAD contract with the firm of C&S Engineers Inc. to complete the Commercial Apron Design for a contract total amount not-to-exceed \$2,717,286.00 for the Monterey Regional Airport, 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 21st day of April 2021 by the following roll call vote:

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

Approve 4. Amendment to the Professional Services Agreement with Kimley-Horn and Associates, Inc. to Provide Project Management Services in Support of the Safety Enhancement Program (SEP) Taxiway A Relocation – Phase A1 Commercial Apron Design

Deputy Director Morello presented Item G.4, stating that the Item pertained to the same project as Item G.3. She added that the project management services from Kimley-Horn and Associates, Inc. would supplement Airport staff for the project. She gave an overview of the amendment to the Professional Services Agreement.

Director Leffel stated that the proposed Amendment was reviewed extensively by Finance Committee and they recommend approval by the Board.

The Board discussed Item G.4.

No public comments.

Director Sabo moved to approve the Amendment to the Professional Services Agreement with Kimley-Horn and Associates. Director Leffel seconded the motion. The motion passed unanimously by a roll call vote of 5-0.

Adopt 5. Resolution No. 1799, A Resolution Authorizing the Service Agreement between the Monterey Peninsula Airport District and GGG Demolition, Inc.

Executive Director La Pier presented Item G.5, stating that the proposed Resolution No. 1799 was the beginning of the process to demolish Building 505 on the North Side of the Airport.

Deputy Director Morello discussed the hazardous materials that exist in the building and explained the process that staff used to procure a contractor to do the work.

Director Leffel stated that the proposed Resolution No. 1799 was reviewed extensively by Finance Committee and they recommend approval by the Board.

The Board discussed Item G.5.

Public Comment: Jean Rasch, member of the public, thanked the Board, especially Director Sabo for their thoughtful comments to reassure that the terms of the proposal regarding the traffic route for trucks to access the site will be added to the final agreement.

Director Leffel moved to adopt Resolution No. 1799. Director Sawhney seconded the motion. The motion passed unanimously by a roll call vote of 5-0.

RESOLUTION NO. 1799

A RESOLUTION AUTHORIZING AND APPROVING THE SERVICE AGREEMENT BETWEEN THE MONTEREY PENINSULA AIRPORT DISTRICT AND GGG DEMOLITION, INC.

WHEREAS, the Monterey Peninsula Airport District (MPAD) owns and operates the Monterey Regional Airport; and

WHEREAS, building 505 Airport Way was constructed for use as part of the US Naval Auxiliary Air Station Monterey; and

WHEREAS, building 505 Airport Way is known to contain Hazardous Materials; and

WHEREAS, the removal of hazardous materials must be performed by a contractor certified by the California Contractors' State License Board to conduct asbestos-related work and registered with the California Division of Occupational Safety and Health (DOSH) to perform abatement-related work; and

WHEREAS, contractors must be compliant with the requirements of the California Occupational Safety and Health (Cal/OSHA) for Asbestos (Title 8 CCR 1529) and Lead (Title 8 CCR 1532.1) during construction activities; and

WHEREAS, other State and Federal regulation and policy requirements must be met when dealing with the handling and disposal of hazardous materials.

NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE MONTEREY PENINSULA AIRPORT DISTRICT: That MPAD contract with the firm GGG Demolition, Inc. for a total amount not-to-exceed \$119,200.00 and the Executive Director of the District, or his designee, is authorized and directed, for and on behalf of the District, to execute and all documents necessary to comply with all regulations and controls for proper abatement of Building 505 Airport Way, including agreements and any amendments thereto. Such agreements and amendments executed by the Executive Director are hereby approved, as though set forth in full.

PASSED AND ADOPTED BY THE BOARD OF DIRECTORS OF THE MONTEREY PENINSULA AIRPORT DISTRICT: This 21st day of April 2021 by the following roll call vote:

AYES:	DIRECTORS:	Leffel, Miller, Sabo, Sawhney, Chair Cursio
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:

Discussions limited to 3 minutes on matters not covered in committee minutes.

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

b. Ad-Hoc Committees:

Discussions limited to 3 minutes.

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| i. Local Jurisdiction Liaison | Directors Leffel & Miller |
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c. Liaison/Representatives:

Discussions limited to 3 minutes.

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| i. Local Agency Formation Commission | Director Leffel | Alt: Sawhney |
| ii. Regional Taxi Authority | Director Leffel | Alt: Sawhney |
| 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 |

A break was taken from 11:22 AM until 11:27 AM.

I. CLOSED SESSION

The Board entered into Closed Session at 11:27 AM.

1. **EXISTING LITIGATION** [Government Code section 54956.9(a)]. The Board will meet with the Executive Director and District Counsel to discuss existing litigation: City of Monterey v. Monterey Peninsula Airport District, et al., Monterey County Superior Court, Case No. 20CV002445.
2. **LABOR NEGOTIATIONS** [Government Code section 54957.6]. The Board will meet with the Executive Director and District Counsel to discuss labor negotiations for the following groups: All Represented and Unrepresented Employees.

J. RECONVENE TO OPEN SESSION

The Board returned to Open Session at 12:45 PM.

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

Chair Cursio reintroduced tabled Item G.1, stating that District Counsel Huber had sent out the revised Second Amendment to the Land Lease Agreement.

District Counsel Huber shared his screen, showing the changes/additions that were made to the document.

Director Leffel moved to approve the revised Second Amendment to the Land Lease Agreement. Director Sabo seconded the motion. The motion passed unanimously by a roll call vote of 5-0.

K. PENDING REQUESTS FOR FUTURE AGENDA ITEMS

None.

L. DISCUSSION OF FUTURE AGENDAS

- Presentation on Unfunded Accrued Liability
- Carmel Proposal for Airport Name Change

Director Sabo stated that the department reports had disappeared from the agenda. Chair Cursio and Director Leffel clarified that they are still on the agenda, under Item H. Director Sabo stated that he had a few questions about the April department reports and Chair Cursio allowed Director Sabo to ask his questions at that time.

M. ADJOURNMENT

The meeting adjourned at 1:03 PM.

Minutes Approved at the
Meeting of May 19, 2021



Gary Cursio, Chair

ATTEST



Michael La Pier, AAE
District Secretary