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

February 15, 2023 - 9:00 AM

NOTICE REGARDING A RETURN TO IN-PERSON PUBLIC PARTICIPATION AT MONTEREY PENINSULA AIRPORT DISTRICT BOARD MEETINGS

Due to the expiration of certain directives contained in the Governor's Declaration of Emergency for the State of California (Executive Order N-29-20), the Board of Directors of the Monterey Peninsula Airport District will return to hold meetings at the Airport Board Room, with in-person attendance.

Due to recent increase in the transmission of the Omicron variant of the Coronavirus, and, as a result of the directives issued by the State of California and the Monterey County Public Health Officer intended to prevent the transmission of the coronavirus, the Airport may utilize the procedures outlined in AB361 to utilize alternative measures related to the conduct of remote meetings and remote comments by members of the public.

Should the Board implement the measures outlined in AB 361, members of the public may participate in 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 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 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.
- 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.

Public comments may also be made in person. 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.

A. CALL TO ORDER/ROLL CALL

Chair Sawhney called to order the regular meeting of the Monterey Peninsula Airport District Board of Directors at 9:05 AM. Directors Pick, Leffel, Sabo and Miller were present. 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 Miller led the Pledge of Allegiance.

C. COMMUNICATIONS/ANNOUNCEMENTS/INFORMATIONAL ITEMS

Executive Director La Pier referred to copies of a letter from Special District Risk Management Authority (SDRMA), that announced their board openings and the deadlines for applying, and reported they were placed on the dais for informational purposes only.

Executive Director La Pier announced he and Chris Chidlaw, the Airport's PR consultant, will be presenting at the Monterey County Hospitality Association (MCHA) Quarterly Lunch meeting on Wednesday, February 22, 2023.

Director Leffel announced that MCHA is holding a Gala Dinner on March 31st.

Director Leffel announced the Monterey County Business Council Gala Dinner is being held February 24, 2023. She will be honored with a lifetime achievement award and Virus Geeks will be honored for their contributions during COVID, which we participated in through the Airport testing location.

D. PUBLIC COMMENTS ON NON-AGENDA ITEMS

Matt Pasztalaniec, a member of the public and an Airport hangar tenant, made the following comments:

"Thank you for the opportunity to speak. I am here to represent the current District hangar tenants. I have provided the board a copy of the prepared comments I will read and ask that they be included in the official minutes for this board meeting.

I would like to address several questions regarding the proposed new hangars to be constructed on the north side. As mentioned last meeting the current tenants are concerned about the increased monthly rental cost of the new hangars. We would like the board to consider having the District subsidize the cost of the hangars to keep the rents acceptable (to) the light GA community, and to spread out the cost increase over 5 years or so to minimize the impact.

We are concerned the District may be placing too much emphasis on attracting corporate tenants rather than addressing the needs of the light GA community represented by the mix of tenants and aircraft currently occupying the SE hangars. This was evident in the spreadsheet presented last meeting where all the columns for cost estimates specifically listed "Corporate Tenant" in the header. The improvements proposed for the new hangars such as electric doors and fire suppression systems might be attractive to corporate tenants but are not a priority for the light GA community when faced with the prospect of potentially doubling our rent.

Our group needs dimensions of both the proposed T hangars and the box hangars to be prepared for the move. We are assuming that approved (or at least provisional) plans have already been drawn up with occupancy proposed a little more than 7 months away. At the last meeting, the staff suggested the new airport district box hangars could be shared by two tenants, and encouraged the board to approve it. In order for that to be feasible, the dimensions need to be large enough such that two average sized aircraft, similar to Cessna 172, can both fit. Do the hangar plans take this into account?

We would like to know if the current self-serve fuel station is to be relocated to the north side as well, and whether the fuel trucks will still be available if desired.

Most of these questions could be answered if we were able to view the site plans for the north complex. We would like to request a copy of those site plans, which describe the approved layout, hangar dimensions, fuel island, etc. If this is already available, please let us know how to obtain it.

Thank you for your time. We respectfully request the District staff and the board consider the issues and questions addressed above."

A member of the public, Tim Heyboer, a general aviation tenant, stated his concern about the speculated cost increase of the new hangars. He mentioned the fire suppression equipment and questioned whether that was necessary when the hangars are within 1000 feet of the new fire station

facilities. He urged the Board to consider ways to cut construction costs and find ways to reduce the cost to tenants.

E. APPOINTMENT OF COMMITTEES BY CHAIR

Chair Sawhney asked for Board approval on the following 2023 Committee and Liaison appointments:

a. Standing Committees:

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

b. Ad-Hoc Committees:

i. Local Jurisdiction Liaison <u>Director Sawhney and Director Let</u>
--

c. Liaison/Representatives:

i.	Local Agency Formation Commission	Director Leffel
ii.	Regional Taxi Authority	Director Pick
iii.	Transportation Agency for Monterey County	Director Sabo
٧.	Special Districts Association Liaison	Director Sawhney
٧.	Association of Monterey Bay Area Governments	Director Miller

Director Leffel made a motion to approve the 2023 Committee member and liaison appointments. Director Pick seconded the motion. The motion was unanimously approved with a roll call vote of 5-0.

F. CHAIR COMMENTS

Chair Sawhney thanked Director Miller for his service as Chair.

Chair Sawhney suggested the Board consider ways to make the Board meetings more effective and efficient and would like this to be a future agenda item. Director Sabo asked if she was proposing changes to the Governance manual. Chair Sawhney answered that was not her intention. However, it could be a discussion by the Board to determine exactly what processes we might follow. District Counsel Huber gave examples of what could be done, and could not be done, without changing the Governance Manual.

G. CONSENT AGENDA - ACTION ITEMS

Approve	1.	Minutes of the Airport Property Development & Leases Committee Meeting of January 11, 2023
Approve	2.	Minutes of the Air Carrier Service – Marketing – Community Relations Committee Meeting of January 11, 2023
Approve	3.	Minutes of the Special Board Meeting of January 13, 2023
Approve	4.	Minutes of the Budget & Finance Committee Meeting of January 17, 2023

Approve 5. Minutes of the Special Board Meeting of January 18, 2023

Approve 6. Minutes of the Regular Board Meeting of January 18, 2023

Approve 7. Minutes of the Air Carrier Service – Marketing – Community Relations Committee Meeting of February 6, 2023

Approve 8. Minutes of the Budget & Finance Committee Meeting of February 7, 2023

Approve 9. Minutes of the Airport Property Development & Leases Committee Meeting of February 8, 2023

Adopt 10. Resolution No. 1816-13, A Resolution of the Board of Directors of the Monterey Peninsula Airport District Making Findings and Determinations Pursuant to AB 361 or Virtual Meetings and Authorizing Virtual Board Member and Other District Meetings

Director Pick made a motion to approve Consent Agenda Items G.1 – G.10. Director Leffel seconded the motion. The motion passed unanimously with a roll call vote of 5-0.

H. DEFERRED CONSENT AGENDA - ACTION ITEMS

None.

I. REGULAR AGENDA - ACTION ITEMS

Present 1. Brown Act Updates Regarding Remote Attendance

District Counsel Huber gave a presentation that reviewed the remote location rules of the Brown Act, AB 361, and AB 2449. District Counsel Huber reviewed SB 1100 which amends the Brown Act to allow for removal of a disruptive member of the public from the Board meeting.

Director Leffel asked, from a procedural standpoint, who a Director would notice if they wanted to attend remotely under the Emergency or Just Cause options of AB 2449. District Counsel Huber answered they should notify the Executive Director and himself. District Counsel Huber stated that if that notification comes after the Board meeting has been "noticed", the first item of business for the Board will be to add an agenda item to the beginning of the meeting to approve the emergency request for remote attendance.

Directors discussed the ramifications of the new laws.

There was no Public Comment.

No action was taken.

Pass to Print 2. Ordinance No. 930, An Ordinance of the Monterey Peninsula Airport District Repealing in its Entirety Ordinance 926 and Adopting by Reference the 2022 California Building Standards Code, Title 24, as Adopted by the California Building Standards Commission; and the 1997 Uniform Code for the Abatement of Dangerous Buildings, the 1997 Uniform Housing Code, and the 2012 International Property Maintenance Code as Published by the International Conference of Building Officials, Regulating the Erection, Construction, Enlargement, Alteration, Repair, Moving, Removal, Demolition, Conversion, Occupancy, Equipment, Use, Height, Area, and Maintenance of All Buildings or Structures in the Monterey Peninsula Airport; Adopting by Reference Part 9, California Fire Code Including the Appendix Chapters of the California Code Of Regulations Title 24; and Providing for Penalties for the Violation Thereof.

Executive Director La Pier introduced Agenda Item G.2 stating this body usually adopts the California Building Standards rather than creating their own. However, the Board can make modifications to those codes based on local conditions, and Ordinance No. 930 contemplates one such modification. Executive Director La Pier stated he no longer recommends the exemption from installing fire suppression systems in hangars that are within 1000 feet of the AARF facility, after learning the Fire Chief does not support that modification. District Counsel Huber stated he prepared an alternate Ordinance that strikes that language as an Option 2.

Directors discussed the two types of fire suppression systems, water and foam, and the drawbacks of each. Executive Director La Pier reported the Fire Chief preferred to have a water-based system over nothing.

Matt Pasztalaniec, a member of the public and an Airport hangar tenant, stated he believes water has a risk of making a fuel fire worse. He noted there is already a requirement for a fire extinguisher in each hangar and his opinion is that is sufficient.

Tim Heyboer, a member of the public and general aviation tenant, stated he has never, in 50 years of flying in many locations over the years, seen a fire suppression system in a hangar or heard of a hangar fire.

Director Miller asked for staff's recommendation. Executive Director La Pier answered to approve the building code as written, without the modifications or exemptions, and as is the recommendation of the Fire Chief.

Director Miller asked if there were any environmental considerations. There was a discussion about environmental remediation concerns with foam systems due to the discharge of PFAS (which is often accidental), the possibility of fuel going down the drain with water suppression systems, the cost of sprinkler systems, and the fact that liability will not be affected by having or not having a fire suppression system.

Director Pick made a motion to Pass to Print Ordinance No. 930, An Ordinance of the Monterey Peninsula Airport District Repealing in its Entirety Ordinance 926 and Adopting by Reference the 2022 California Building Standards Code, Title 24, as Adopted by the California Building Standards Commission; and the 1997 Uniform Code for the Abatement of Dangerous Buildings, the 1997 Uniform Housing Code, and the 2012 International Property Maintenance Code as Published by the International Conference of Building Officials, Regulating the Erection, Construction, Enlargement, Alteration, Repair, Moving, Removal, Demolition, Conversion, Occupancy, Equipment, Use, Height, Area, and Maintenance of All Buildings or Structures in the Monterey Peninsula Airport; Adopting by Reference Part 9, California Fire Code Including the Appendix Chapters of the California Code Of Regulations Title 24; and Providing for Penalties for the Violation Thereof, Option 2, which does not provide for an exemption or modification to the California Fire Code. Director Leffel seconded the motion. The motion passed unanimously with a roll call vote of 5-0.

MONTEREY PENINSULA AIRPORT DISTRICT ORDINANCE NO. 930

AN ORDINANCE OF THE MONTEREY PENINSULA AIRPORT DISTRICT REPEALING IN ITS ENTIRETY ORDINANCE 926 AND ADOPTING BY REFERENCE THE 2022 CALIFORNIA BUILDING STANDARDS CODE, TITLE 24, AS ADOPTED BY THE CALIFORNIA BUILDING STANDARDS COMMISSION; AND THE 1997 UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS. THE 1997 UNIFORM HOUSING CODE, AND THE 2012 INTERNATIONAL PROPERTY

MAINTENANCE CODE AS PUBLISHED BY THE INTERNATIONAL CONFERENCE OF BUILDING OFFICIALS, REGULATING THE ERECTION, CONSTRUCTION, ENLARGEMENT, ALTERATION, REPAIR, MOVING, REMOVAL, DEMOLITION, CONVERSION, OCCUPANCY, EQUIPMENT, USE, HEIGHT, AREA, AND MAINTENANCE OF ALL BUILDINGS OR STRUCTURES IN THE MONTEREY PENINSULA AIRPORT; ADOPTING BY REFERENCE PART 9, CALIFORNIA FIRE CODE INCLUDING THE APPENDIX CHAPTERS OF THE CALIFORNIA CODE OF REGULATIONS TITLE 24; AND PROVIDING FOR PENALTIES FOR THE VIOLATION THEREOF.

NOW, **THEREFORE**, the Board of Directors of the Monterey Peninsula Airport District DO ORDAIN as follows:

SECTION 1: Repeal. That Ordinance No. 926 entitled "AN ORDINANCE OF THE MONTEREY PENINSULA AIRPORT DISTRICT REPEALING IN ITS ENTIRETY ORDINANCE 921 AND ADOPTING BY REFERENCE THE 2022 CALIFORNIA BUILDING STANDARDS CODE, TITLE 24, AS ADOPTED BY THE CALIFORNIA BUILDING STANDARDS COMMISSION; AND THE 1997 UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS, THE 1997 UNIFORM HOUSING CODE, AND THE 2012 INTERNATIONAL PROPERTY MAINTENANCE CODE AS PUBLISHED BY THE INTERNATIONAL CONFERENCE OF BUILDING OFFICIALS, REGULATING THE ERECTION, CONSTRUCTION, ENLARGEMENT, ALTERATION, REPAIR, MOVING, REMOVAL, DEMOLITION, CONVERSION, OCCUPANCY, EQUIPMENT, USE, HEIGHT, AREA, AND MAINTENANCE OF ALL BUILDINGS OR STRUCTURES IN THE MONTEREY PENINSULA AIRPORT; ADOPTING BY REFERENCE PART 9, CALIFORNIA FIRE CODE INCLUDING THE APPENDIX CHAPTERS OF THE CALIFORNIA CODE OF REGULATIONS TITLE 24, 2013 EDITION OF THE CALIFORNIA BUILDING STANDARDS; AND PROVIDING FOR PENALTIES FOR THE VIOLATION THEREOF" and all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 2: Adoption. The Monterey Peninsula Airport District hereby adopts by reference the 2022 California Building Standards Code, Title 24, as adopted by the California Building Standards Commission, which includes the 2022 California Administrative Code, the 2022 California Building Code, the 2022 California Residential Code, the 2022 California Electrical Code, the 2022 California Mechanical Code, the 2022 California Plumbing Code, the 2022 California Energy Code, the 2022 California Historical Building Code, the 2022 California Fire Code, the 2022 California Existing Building Code, the 2022 California Green Building Standards Code, the 2022 California Referenced Standards Code, the 1997 Uniform Code for the Abatement of Dangerous Buildings, and the 2012 International Property Maintenance Code. A true and correct copy of the 2022 California Building Standards Code as adopted by this section shall be on file in the office of the Secretary of the Monterey Peninsula Airport District for examination and use by the Public.

<u>SECTION 3:</u> The California Fire Code, 2022 edition, including Appendix Chapters, is hereby adopted as the Fire Code of the Monterey Peninsula Airport District, regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of building and premises as herein provided; providing for the issuance of permits and collection of fees thereof; and each and all of the regulations, provisions, penalties, conditions and terms of said Fire Code on file in the office of the Monterey Peninsula Airport District are hereby referred to, adopted, and made a part thereof, as if fully set out in this Chapter.

SECTION 4: That any person, firm or corporation violating any provision of the code adopted hereby or failing to comply therewith, or violating or failing to comply with any order made thereunder, or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder shall be deemed guilty of a misdemeanor or infraction, whichever may be charged, and, upon conviction thereof, shall be punishable by a fine not to exceed One Thousand Dollars (\$1,000) or by imprisonment in the county jail for not to exceed six (6) months, or both fine and imprisonment. Each separate day or portion thereof, during which any violation occurs or continues, shall be deemed to constitute a separate offense. The imposition of any one penalty for any violation shall not excuse the violation or permit it to continue and all such violations shall be corrected or remedied by the person, firm, or corporation responsible for the violation within a reasonable time. The application of any penalties provided for above shall not be held to prevent the enforced removal of any violation of the code hereby adopted.

<u>SECTION 5:</u> Compliance with the California Environmental Quality Act: The Board of Directors finds that this Ordinance is not subject to the California Environmental Quality Act ("CEQA") pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines because it has no potential for resulting in physical change to the environment, directly or indirectly.

<u>SECTION 6:</u> Severability: If any section provision, of this Ordinance or the application thereof to any person or circumstances is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction or preempted by state legislation, such decision or legislation shall not affect the validity of the remaining portions of this Ordinance. The Board of Directors hereby declares that it would have passed this Ordinance and each and every section, subsection, sentence, clause or phrase hereof not declared invalid or unconstitutional without regard to any such decision or preemptive legislation.

This ordinance shall take effect on the 30th day after its adoption.

PASSED TO PRINT by the Board of Directors of the Monterey Peninsula Airport District at a meeting of February 15, 2023 by the following vote:

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

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

A break was taken at 10:56 AM.

The meeting resumed at 11:08 AM without Director Leffel in attendance.

Adopt 3. Resolution No. 1840, A Resolution Authorizing and Approving the Service Agreement between the Monterey Peninsula Airport District and R&S Erection of Monterey Bay, Inc.

Deputy Executive Director Morello introduced Resolution No. 1840 and reviewed the Staff Report.

Director Leffel rejoined the meeting at 11:14 AM.

Director Sabo stated Finance Committee reviewed the project and there is no security grant that would cover the cost at this time. Deputy Executive Director Morello stated one of the gates is on hold because it will be covered under another project in the future.

There was no Public Comment.

Director Leffel made a motion to adopt Resolution No. 1840, A Resolution Authorizing and Approving the Service Agreement between the Monterey Peninsula Airport District and R&S Erection of Monterey Bay, Inc. Director Pick seconded the motion. The motion passed unanimously with a roll call vote of 5-0.

RESOLUTION NO. 1840

A RESOLUTION AUTHORIZING AND APPROVING THE SERVICE AGREEMENT BETWEEN THE MONTEREY PENINSULA AIRPORT DISTRICT AND R&S ERECTION OF MONTEREY BAY, INC.

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

WHEREAS, Some of the Airfield Vehicle Gate system motors, chains and gear boxes have reached the end of life and repairs are no longer effective. The gate system is over 25-years old and new gate systems are necessary to maintain our security requirements; and

WHEREAS, the adoption of the Fiscal Year 2023 Capital Improvement Program (CIP) budget includes a project for Airfield Vehicle Gate Upgrades; and

WHEREAS, R&S Erection of Monterey Bay, Inc. specializes in the custom design and installation of high-quality automatic gates with access control systems.

NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE MONTEREY PENINSULA AIRPORT DISTRICT: That the Monterey Peninsula Airport District contract with R&S Erection of Monterey Bay, Inc. for a total amount not-to-exceed \$50,000.00 and directs the Executive Director of the District, or his designee, to execute the purchase order.

PASSED AND ADOPTED BY THE BOARD OF DIRECTORS OF THE MONTEREY PENINSULA AIRPORT DISTRICT: This 15th day of February 2023 by the following roll call vote:

AYES: DIRECTORS: Pick, Leffel, Sabo, Miller, Sawhney

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

J. BOARD COMMITTEE REPORTS AND ACCEPTANCE OF DEPARTMENT REPORTS

Standing Committees:

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

b. Ad-Hoc Committees:

i. Local Jurisdiction Liaison Director Leffel and Miller

c. Liaison/Representatives:

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: Sawhney
iv.	Special Districts Association Liaison	Director Leffel	Alt: Miller
٧.	Association of Monterey Bay Area Governments	Director Sawhney	Alt: Sabo

Directors discussed staff reports.

Director Sabo reported for the Finance Committee. Controller Wilson gave an update on the Cal Trans Loan Application.

Director Miller reported on an Air Service update.

Director Leffel reported there was no regular LAFCO meeting in February, but the next Budget meeting is February 20th.

Director Leffel reported there was no Taxi Authority meeting.

Director Sabo reported on the TAMC meeting and noted there has been no development on the Highway 68 traffic flow study.

Director Leffel reported the next Special Districts meeting will be on the third Tuesday in April.

Chair Sawhney reported the AMBAG board of directors meeting was cancelled but there is a Planning Directors Forum on February 27th that Director Miller will attend.

A break was taken at 11:51 AM. The meeting resumed at 12:00 PM in Closed Session.

K. CLOSED SESSION

- 1. QUARTERLY GOAL UPDATE [Government Code Section 54957(b)]. The Board will meet with the Executive Director and District Counsel to consider the quarterly goal update related to the following position: Executive Director.
- 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.

Chair Sawhney stated there was no reportable action from Closed Session.

Chair Sawhney stated for the record that Director Pick had left the meeting at 1:00 PM and Director Leffel at 2:37 PM.

The Open Session resumed at 2:38 PM.

L. PENDING REQUESTS FOR FUTURE AGENDA ITEMS

None.

M. DISCUSSION OF FUTURE AGENDA ITEMS

- Review Strategic Plan document.
- Discuss efficiency measures for future board meetings.
- Receive an overview of drone rules and regulations.

N. ADJOURNMENT

The meeting adjourned at 2:53 PM.

Approved at the

Meeting of March 15, 2022

William Sabo, Chair Pro Tem

ATTEST

Michael La Pier, AAE

District Secretary