

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

**February 9, 2011 8:00 AM
Board Room, Terminal Building, Monterey Peninsula Airport**

(Unless you are a public safety official, please turn off your cell phone or place it on vibrate mode during the meeting. Thank you for your compliance.)

A. CALL TO ORDER/ROLL CALL

B. PLEDGE OF ALLEGIANCE

C. COMMUNICATIONS/ANNOUNCEMENTS/INFORMATIONAL ITEMS

Art in the Airport presents: *Trash to Treasures, a New Perspective on Surplus of the Past*

Opening Reception: Friday, February 11, 2011 from 5:00 – 7:00 pm

D. PUBLIC COMMENTS

(Any person may address the Monterey Peninsula Airport District Board at this time. Presentations should not exceed three (3) minutes, should be directed to an item **NOT** on today's agenda, and should be within the jurisdiction of the Monterey Peninsula Airport District Board. Though not required, the Monterey Peninsula Airport District Board appreciates your cooperation in completing a speaker request form available on the staff table. Please give the completed form to the Monterey Peninsula Airport District Secretary. Comments concerning matters set forth on this agenda will be heard at the time the matter is considered.)

E. REGULAR AGENDA – ACTION ITEMS

Adopt: 1. Resolution No. 1536, Ratifying a Lease with the Federal Aviation
Administration for its Air Traffic Control Tower

F. CLOSED SESSION

Consideration of Public Appointment/Employment pursuant to Government Code section 54957(b)(1)

Title: District Counsel Interviews

G. RECONVENE TO OPEN SESSION

Announcement from Closed Session, if any.

H. DISCUSSION OF FUTURE AGENDAS

I. ADJOURNMENT

(All items submitted by the public for inclusion on the Board Agenda and in the Board packet must be received by 5:00 P.M. on the Monday before the first Wednesday of the month. This agenda is subject to revision and may be amended prior to the scheduled meeting. A final Agenda will be posted outside the District Offices in the Terminal Building at the Monterey Peninsula Airport 24 hours prior to the meeting.

Upon request and where feasible, the Monterey Peninsula Airport District will provide written agenda materials in appropriate alternate formats, or disability-related modification or accommodation, including auxiliary aids or services, to enable individuals with disabilities to participate in public meetings. In order to allow the District time within which to make appropriate arrangements, please submit a written request containing a brief description of the materials requested and preferred alternative format or auxiliary aid or service desired as far as possible in advance of the meeting. Requests should be sent to the attention of the District Secretary at 200 Fred Kane Drive, Suite 200, Monterey, California 93940.)

AGENDA ITEM: E-1
DATE: February 9, 2011

TO: Monterey Peninsula Airport District Board of Directors
FROM: Thomas E. Greer, General Manager
SUBJ: Resolution No. 1536 Ratifying a Lease with the Federal Aviation Administration for its Air Traffic Control Tower

BACKGROUND. District Ordinance No. 408 approved a ground lease with the Federal Aviation Administration (FAA) that expired in 2007. On September 4, 2007, I signed a letter with the Federal Aviation Administration (FAA) agreeing that the existing lease for the Air Traffic Control Tower would be placed on a "holdover" status from September 30, 2007 through June 30, 2008, to allow the FAA to continue its operations at the Tower while a new lease was developed. On June 27, 2008 I executed a new ground lease with the FAA for the Tower for 20 years (July 1, 2008 through September 30, 2028).

In executing this lease, I inadvertently violated District policy. The year before, the Board approved Resolution No. 1424 (February 14, 2007) that allows the General Manager to execute month-to-month leases and leases of not more than 5 years in term.

I request the Board of Directors ratify the twenty year lease to the FAA.

DISCUSSION. Recent federal security regulations require a twenty-foot (20') perimeter security fence around FAA Towers (i.e., a 20' setback). The new ground lease includes that provision and an expansion of the FAA's leasehold beyond that required to meet federal standards to provide additional FAA parking.

Construction plans have been processed by the Planning & Development Department for the changes necessary to realign Henderson Way to allow for the proposed fencing. In addition, Planning & Development will complete the CEQA environmental review of the Henderson Way portion of the project on February 10, 2011, and be ready to issue a permit for the road project.

Ratification of the ground lease and conclusion of the environmental review will allow the FAA to commence its fencing project as of February 11, 2011. If the FAA does not begin construction (i.e., any action associated with construction, such as staging of equipment, etc.) by February 15, 2011, it will be required to conduct a "bird survey" which may significantly delay the commencement of construction for their project (if one or more nests are found by the biologist). The bird survey would cover the entire project (i.e., the road construction and the fencing construction), because it is both a NEPA and CEQA requirement. Ratifying the lease will expedite the FAA's project.

SOURCE OF FUNDS. The expense of meeting the CEQA requirements was borne by the District.

IMPACT ON REVENUES. The expansion of FAA parking, FAA fencing, and FAA Henderson Way realignment will result in a loss of approximately \$16,800 (calculated at a loss of 50 parking spaces)

annually in MPAD's revenue stream from rental car agencies that use the parking lot located across the street from the Tower.

SCHEDULE. The FAA is anticipated to begin construction in the very near future.

IMPACT ON OPERATIONS. MST will have to redirect its bus routes for the duration of the construction project. We are currently working with MST on identifying those routes. Additional impacts on operations are anticipated to be minimal; the FAA will have to move Henderson Way prior to constructing any fencing, to ensure that Airport access via that route remains available 24/7.

CONTINGENCY. N/A

RECOMMENDATION. Adopt proposed Resolution No. 1536, ratifying the 2008 lease with the FAA for its ATC Tower.

RESOLUTION NO. 1536

**A RESOLUTION
RATIFYING A GROUND LEASE BETWEEN THE FEDERAL AVIATION ADMINISTRATION
AND THE MONTEREY PENINSULA AIRPORT DISTRICT
FOR THE ATCT TOWER**

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

WHEREAS, the Federal Aviation Administration (FAA) owns and operates an Air Traffic Control Tower at MRY; and

WHEREAS, the FAA submitted a proposed ground lease to MPAD in 2008; to continue to locate the Tower at MRY; and

WHEREAS, said ground lease was executed on June 27, 2008 by the General Manager;

NOW THEREFORE BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE MONTEREY PENINSULA AIRPORT DISTRICT THAT the ground lease executed by the General Manager on June 27, 2008 be, and it is, hereby ratified, in full force and effect as though approved by the Board at that time.

PASSED AND ADOPTED BY THE BOARD OF DIRECTORS OF THE MONTEREY PENINSULA AIRPORT DISTRICT: This 9th day of February 2011, by the following roll call vote:

AYES:	DIRECTORS:
NOES:	DIRECTORS:
ABSTAIN:	DIRECTORS:
ABSENT:	DIRECTORS:

Signed this 9th day of February 2011

Richard D. Searle, Chair

ATTEST

Charles R. Hayes
District Secretary