

**Marin County Aviation Commission**  
**Minutes of April 7, 2016 Meeting**  
**7pm - Board of Supervisors' Chambers**  
**Marin Civic Center, San Rafael, CA**

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**Commissioners Present at Roll Call:** Richard Beach, Lou Franecke, Marius Nelsen, Richard Nave, Humphrey Ogg, Zev Rattet, Douglas Watt

**Commissioners Absent at Roll Call:** None

**Staff Present:** Dan Jensen (Airport Manager)  
Eric Steger (DPW)

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**The Chair gaveled the meeting to order at 7:01 pm.**

The Chair Ogg made opening remarks about how the meeting would be run.

**1. Minutes of the December 3, 2015 Meeting**

Chair Ogg asked if the commissioners had a chance to review the minutes. Commissioner Nelson indicated that he would abstain because he was not present at the December 3, 2015 meeting. Chair Ogg entertained a motion to approve the minutes. M/s Commissioner Franecke - Commissioner Watt to approve the minutes as presented.

**Vote:       Aye – Beach, Franecke, Nave, Ogg, Rattet, Watt**  
**Nay – None**  
**Abstain - Nelson**

**Motion Passed, 6-0**

**2. Airport Manager's Report and Comments**

- a. Mr. Jensen said there had been no incidents or accidents since the last meeting.
- b. Mr. Jensen reported on FAA grants. The Wildlife Hazard Assessment (WHA) is continuing and on April 26-27, there will be a two day mammal trap survey conducted. The County should receive the WHA report in July. The AWOS purchase order was issued and a new AWOS is on order. The equipment should be delivered and installed by mid-June. The Pavement Maintenance Management Plan (PMMP) report is in progress. The Gross Field runway was closed for 3 nights (2/8-10) to drill holes and collect soil borings. We expect to receive the boring

sample result by end of April. The EIS Supplemental should have a draft Purpose and Need working paper in mid-May and we are planning to have the FAA and consultant present the information, including the runway length analysis and critical aircraft, at the next Aviation Commission meeting scheduled for June 2. Lastly the County recently received notice that the FAA has approved a categorical exclusion (CATEX) for the design of the runway and taxiway rehabilitation project.

Commissioner Franecke requested clarification of the runway extension environmental process, including what happened when the Final EIS was previously issued. Mr. Steger provided a brief overview of the runway extension environmental process, including that the FAA is preparing a Supplemental final EIS.

Commissioner Beach requested an update on the airport capital improvement program. Mr. Steger responded that he could review the capital improvement program at the next scheduled Aviation Commission meeting on June 2.

- c. Mr. Jensen offered an informational item that the commissioner packet has a copy of the Board of Supervisors approved amendment to County Advisory Boards and Commission guidelines.

Chair Ogg asked if there was anyone from the public wishing to speak regarding the Airport Manager's report. John O'Connell spoke regarding the Gross Field fuel facility and whether there is a plan for after the concessionaire agreement ends in 2018. He is concerned about losing business if there is no fuel facility at Gross Field.

Dan Bedford inquired about the nearby solar project status and pavement crack repairs at the airport. Mr. Steger responded that the solar project at the Buck Center is completed and that the application for the nearby solar project between the SMART tracks and airport is still under Community Development Agency (CDA, Planning) review. Mr. Jensen responded that the Public Works Roads Division will return to the airport when the pavement cracks are dry enough to continue crack sealing work this spring.

### **3. Unfinished Business**

- a. Golden Gate Skydiving - Report by staff and presentation by Golden Gate Skydive: Chair Ogg reviewed the application

history including the filing of the informal complaint by Golden Gate Skydiving. Chair Ogg noted that the Aviation Commission had already made a recommendation on the business proposal. Chair Ogg asked whether a Golden Gate Skydiving representative in the audience would like to make any additional comments. Golden Gate Skydiving chose not to make additional comments.

Commissioner Franecke indicated that there were two studies done (Air Traffic Control and Flight Standards District Office & FSDO). Commissioner Franecke asked about the July 16, 2015, date on the internal FAA memo, whether there were other memos transmitted, was there a retrieval plan, whether the County needs subsequent approval from the FAA, and whether the Aviation Commission needs to do anything else. Mr. Jensen responded that he did not know why there was the FAA delay, that there were no other transmittals, that the retrieval plan was in the Commissioners' meeting packet, that the County does not need to go back to the FAA, and that there is no further action required from the Aviation Commission by staff.

Commissioner Rattet asked what the risk is for a skydiving operation. Mr. Jensen responded that the Air Traffic Control Safety Risk Management document provided a couple of conditions to reduce the risk to an acceptable level.

Commissioner Nelsen congratulated Mr. Knight on enduring the long process to start the skydiving business.

Commissioner Beach commented that he has an overriding concern that the informal discrimination complaint remains active and that the County could face negative consequences if it does not move towards some resolution. Commissioner Franecke noted that the County has the right to exercise control for safety reasons. Commissioner Beach further commented that he has concerns about the pace of negotiations.

#### **4. New Business**

- a. Proposed Amendment to Marin County Code Sections 12.06.010 – Business Operators and 12.06.035 – Standards for Skydiving: For comments and consideration by the Aviation Commission. Mr. Jensen summarized the proposed amendments to add skydiving minimum business standards to existing County business standards for Gness Field. The ordinance first reading

is tentatively schedule for the April 19 Board of Supervisors meeting, with a May 3 merit hearing before the Board.

Commissioner Beach distributed an email from FAA staff Robert Lee regarding a lack of skydiving policy at Gness Field and that the informal complaint is still active. Mr. Jensen responded that he had communicated verbally with Mr. Lee after the email and that Mr. Lee said the County has done everything the FAA has requested them to do. Commissioner Franecke remarked that from the email content, it appeared that Commissioner Beach was representing the Aviation Commission to the FAA and did not have such authority. Commissioner Beach denied making such representation and further stated that he was not satisfied with the pace to resolve the skydiving business request. Chair Ogg indicted that this is a moot point as the County is moving forward on the skydiving issue.

Commissioner Beach commented that Section 12.06.035(e), 'exclusive use' term, was overly restrictive. Commissioner Franecke concurred. Mr. Steger responded that it did seem overly restrictive and that staff would review with County Counsel to delete the term from section (e), but possibly retain it for an individual subsection to section (e).

Commissioner Nelsen commented that a diagram showing exclusive areas and non-exclusive areas would be helpful.

Commissioner Rattet commented that only things that really need to be exclusive use should be identified as such.

Chair Ogg indicated that he expected staff would follow through on the recommendation.

- b. Mr. Jensen introduced Robert Ragozzino with the Spirit of St Louis 2 project. Mr. Ragozzino discussed the project to build a Spirit of St. Louis replica and fly from the United States to France. There is a request for the County to consent to a sublease for Mr. Ragozzino at Gness Field so that he can finish construction of his replica in one of the largest hangers at Gness Field. Mr. Ragozzino described his adventures flying a Steerman aircraft around the world, his efforts to find a sponsor for his project, and the agreement with NOVA and PBS to document his current project. The aircraft is 80% complete and the test flight would be conducted from a desert site, not at Gness Field.

The Commissioners all expressed support and excitement about the project. Chair Beach asked about the hanger turnover to the County and Mr. Ragozzino explained that he needs to be completed by May 20, 2017, so this should not be a problem. Commissioner Franecke asked what benefit the County would receive from this venture. A discussion ensued regarding various level of exposure and publicity and how positive this endeavor could be for Gness Field.

Ken Mercer and Pat Scanlon spoke during public comment and supported the consent to sublease and the project in general. Pat Ekland spoke to support the project, and encourage the Aviation Commission to embrace and promote the project and ensure that it is successful.

M/s Commissioner Beach - Commissioner Rattet to recommend to the Board of Supervisors that the County should approve the sublease and promote the Spirit of St. Louis 2 project at Gness Field.

**Vote:           Aye – Beach, Franecke, Nave, Nelson, Ogg,  
                  Rattet, Watt  
                  Nay – None**

**Motion Passed, 7-0**

- d. Aviation Commission Goals, review and approval: Mr. Jensen introduced the topic and directed the commissioners to their agenda packet. Chair Ogg set up a procedure to review each goal for comment and discussion by the Commission. Commissioner Franecke recommended that the Commission Purpose/Mandate be identical to Article Roman II of the Commission by-laws. The proposal had general agreement. Commissioner Nelsen suggested deleting 'pilot' from Goal #4 Initiative.

Chair Ogg invited the public to comment. Ken Mercer recommended keeping the pilot in the Goal #4 Initiative. Pat Ekland said that she would read the bylaws, but that the Aviation Commission needs to be more proactive, have a higher level of energy, and to stand up for Gness Field.

Chair Ogg noted that the County had obtained over \$700,000 in grant funds from the FAA in recent years and that he appreciated all of the public comments.

Commissioner Beach indicated that he intended to abstain because the process is not inclusive, last year's submissions by the public were not included, and that he cannot support this process.

M/s Commissioner Franecke - Commissioner Nelson to approve the proposed Aviation Commission 2016-18 Boards and Commission Biennial Report, changing Section II to be identical to the Commission by-laws and to delete 'pilot' from Goal #4 initiative.

**Vote:           Aye –Franecke, Nave, Nelson, Ogg, Rattet, Watt  
                  Nay – Beach**

**Motion Passed, 6-1**

## **5. Aviation Commissioners Reports and Comments**

a.     Ad Hoc Committee Appointment: Chair Ogg reviewed the Commission by laws that the Chair can appoint an ad hoc committee without vote by the rest of the Commission. Chair Ogg proposed to appoint the Chair and Vice Chair to a committee which would be a liaison with Public Works and other public agencies. Chair Ogg suggested that this would be an efficient way to collect information and share it with the Commission at their regularly scheduled meetings. Commissioner Nelson asked whether the committee should be larger. Chair Ogg indicated that more commissioners make it harder to schedule meetings. Commissioner Nelsen volunteered to be an alternate.

Chair Ogg said he would ensure the minutes had the purpose of the committee, which is to gather information from, and interact with, facilitate, and present information from special interest groups, public agencies, government agencies (state, federal, and international), as well as other commissions and outside agencies, including the press and the general public. Mr. Ogg noted this process can be lengthy and ongoing; the committee will continually update and report back to Aviation Commissioners at its regularly scheduled meetings.

b.     Drones: Commissioner Franecke discussed competing proposed drone laws and regulations. He stated that this is an emerging issue that needs to be monitored. Commissioner Franecke indicated that the GFCA could play a role in educating the public.

## 6. Election of Officers

M/s Commissioner Franecke - Commissioner Rattet to nominate Humphrey Ogg as Chair.

**Vote: Aye –Franecke, Nave, Nelson, Ogg, Rattet, Watt  
Nay – Beach**

**Motion Passed, 6-1**

M/s Commissioner Ogg - Commissioner Nave to nominate Lou Franecke as Vice Chair.

**Vote: Aye –Franecke, Nave, Nelson, Ogg, Rattet, Watt  
Nay – Beach**

**Motion Passed, 6-1**

Commissioner Beach commented that the Chair had violated the Brown Act despite recent training and regrets those people in leadership positions.

## 7. Open Time

John O'Connell spoke about the fuel facility concessionaire expiration and that he is concerned about fuel facilities continued operation at Gness Field.

Pat Ekland spoke that there was no public comment on the committee nomination and that the role of the committee is not clear.

A discussion ensued among the commissioners on the Brown Act, authority of the Chair, best practices, and membership in the committee.

Ken Mercer, President of the Gness Field Community Association (GFCA), passed out a report, Gness Field (Marin County Airport) Economic Impact Analysis Performed by Marin Economic Forum, December 2015. Mr. Mercer pointed the Commission to the Executive Summary and discussed the report and benefits of Gness Field to the community and the County. Mr. Mercer indicated that the GFCA was also going to meet individually with the Board of Supervisors.

Another discussion ensued among the commissioners on the Brown Act, membership in the committee, whether it was a subcommittee or standing committee, and inviting aviation-related associations to speak before the Commission

Pat Scanlon spoke that he is a Gross Field business owner that has grown over the years and no one has spoken with him. Will the committee meet with him? Chair Ogg said that they will speak to Mr. Scanlon.

## **8. Adjourn**

M/s Commissioner Franecke - Commissioner Nelsen to adjourn meeting.

**Vote:       Aye – Beach, Franecke, Nave, Nelson, Ogg,  
              Rattet, Watt  
              Nay – None**

**Motion Passed 7-0**

The meeting was adjourned at 9:06 p.m.