

Marin County Aviation Commission
Minutes of August 3, 2017 Meeting
7pm – Room 329
Marin Civic Center, San Rafael, CA

Commission Chair: Humphrey Ogg

Commission Vice-Chair: Louis Franecke

Commissioners Present at Roll Call: Richard Beach, Vice Chair Franecke, Richard Nave, Marius Nelsen, Chair Ogg; Zev Rattet, Douglas Watt

Commissioners Absent at Roll Call: None

Staff Present: Dan Jensen (Airport Manager)
Ann Hearty (Recording Secretary)

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

1. Chair Announcements – Mr. Ogg stated that the process to run these meetings is listed in both Robert’s Rules of Order and the Brown Act. He emphasized that direct questioning of other members or staff is to be limited. He indicated his role is to moderate, giving the community a chance to be heard. For the purpose of each agenda item, he requested that staff give their report; each Commissioner is then called on to ask questions, followed by any comments from the public. The Chair also asked those who were present, identifying most of them as aviators, that they should reflect on their own experiences in dealing with the Federal Aviation Administration (FAA). He reminded them that the FAA is a big machine and specifically noted that the Department of Public Works (DPW) staff should not be painted as stalling or unresponsive as they wait on word from the local Airports District Office (ADO). Mr. Ogg asked that the roll be called and all Commissioners were present.

2. Minutes of the June 1, 2017 Meeting - The Chair asked if the members had an opportunity to review the minutes. **M/s Franecke/Nelsen to approve the minutes as presented.** Commissioner Beach said he would like to encourage a voluntary sign in sheet of those present from the public. He asked the Recording Secretary if there had been any guests present at the June 1 meeting. Ms. Hearty responded there were.

Vote: Aye – Beach, Franecke, Nave, Nelsen, Ogg, Rattet, Watt
Nay – None
Abstain - None
Absent – None
Motion Passed, 7/0

3. Airport Manager's Report and Comments

- a. Aircraft/Airport – Incidents and Accidents: The Airport Manager noted that as of August 3, there had been no incidents and/or accidents since his last report.
- b. EIS Update: Mr. Jensen indicated he applied for one last grant and reconciled numbers for a submission total of \$328,000. He stated this grant covers the Wildlife Hazard Plan and all tasks of the final supplemental EIS scope of work through the Record of Decision by the FAA concerning the runway extension. He relayed the FAA has conducted all the phone interviews with jet pilots at Gness Field. He noted the consultant still needs to talk to DT Fuel Group, as well as gather any other data such as FAA Flight Following counts.
- c. Fuel Facility Update - The Airport Manager distributed the final version of the Fueling Service Analysis report. He pointed out the three options that were identified: 1) County-owned and operated self-service aviation fueling system; 2) County-owned and operated self-service aviation fueling system and private entity owned and operated full-service aviation fueling system; and 3) private entity owned and operated self-service and full-service fueling system. He said the report recommends option 3 as the best match for Gness. He stated staff will analyze the report findings and bring this item back to the Aviation Commission at the October meeting for further discussion and a possible recommendation to the Board of Supervisors.

Mr. Jensen also reported staff sent out a fuel survey to owners, tenants, and users concerning options to replace or enhance fuel services at Gness. He noted that as of July 1, staff received 119 completed surveys. He relayed a snapshot overview where 46 of the 119 responses thought a fuel truck is VERY important; however, if self-serve fueling was available, 66 thought self-serve was very important. 41 responded that the price differential for av gas should be at least 20 cents a gallon for self-serve to be favorable over a fuel truck. He recounted that 75 respondents indicated that self-serve would increase their purchase of fuel at Gness. He indicated staff will bring comprehensive results to the October meeting.

- d. Ground Lease Update: The Airport Manager said the County has entered into a contract with Smith & Associates Inc. to provide an appraisal report of the current fair market value of aircraft hangars and office space at Gness Field. He noted they were scheduled conduct an on-site tour on Friday, August 4.
- e. Spirit of St. Louis – Lease Status: Mr. Jensen reported that since the last meeting, the original SOSL lease expired. He contacted Bemac Properties concerning the proposed lease extension for both office and hangar space to February 25, 2018. As of yesterday, he stated he received a scanned, fully executed, first amendment for the extension requested. He said after staff receives the appraisal of the Bemac properties, this information will be presented at the Aviation Commission for discussion and a possible recommendation to the BOS.
- f. Runway 13/31 Rehab: The Airport Manager indicated that yesterday, August 2, at 2:30 pm, the County opened sealed bids from contractors for the project. He relayed a total of four bids with the apparent low bidder rounded to \$2,282,000. He stated that was more than \$600,000 above the engineer's estimate. He noted County staff, Mead & Hunt, and the FAA will review the bids and when a selection is made, all owners, businesses, and tenants will be notified of any runway closures by direct mail.

Chair Ogg requested Commissioner comments. No one spoke to Manager's Report a. Manager's Report b - Mr. Beach asked what EIS activity is left to be completed by the contractor. Mr. Jensen responded that they were following up with flight following data. Commissioner Beach wanted to make sure that the EIS includes checking with Mr. Neff about itinerants.

Manager's Report c - Mr. Rattet asked why a privately run fuel facility would be better than County run fuel. The Airport Manager responded that Mr. Neff will be contacted and a supplemental report will be made available prior to the October 5 meeting. Mr. Watt stated it was important that the report and survey are "comparing apples to apples."

Chair Ogg asked for any public comment on the Airport Manager's Report. No one spoke to Manager's Report a or b. Manager's Report c - Mr. Mercer spoke to the fuel analysis, stating the third option is the best deal for the County and the Commission was getting a one-sided view. He said that the Airport community needed to find a way to provide input

and get a seat at the table. He indicated that such information was the start, but questioned what was the process for making the final decision. He insisted it needs to be inclusive – neighbors, City of Novato – he asked, “How do we participate?”

Commissioner Beach brought up a Brown Act point of order that the minutes will reflect the Chair’s interpretation of these matters, which is against the process. Mr. McConnell indicated that the County should plan for the future by including alternative fuels at Gness. Mr. Neff stated he was distressed because the fuel analysis report became public immediately before this meeting. Chair Ogg said the item will be on the agenda for the October meeting. Mr. Neff went on to say that time is wasting; the leases terminate in 2018 and as a business person, he found that troubling. He said he was not comfortable because the County has been amiss in addressing it in a serious manner. He insisted that the County’s own inspector said the fuel tanks are double-wall. He emphasized that the document was incredibly late and not very reasonable. He closed by identifying Swift and Shell as the alternate aviation fuels available.

Manager’s Report d - Vice Chair Franecke asked if the Airport Manager said there was to be a 10% increase. Mr. Jensen responded no, this issue was an overall appraisal for the other properties on the Field, not those that already had an increase this year. Mr. Beach clarified whether these were the five corporate hangars on the East side and questioned if they were part of the Bemac lease as well. The Airport Manager agreed they were. Chair Ogg brought up a point of order and cited the code about commissioners responding to public comment. Commissioner Beach stated that he did not believe that the public having back and forth discussions with the Chair was “brief.” Ted Newman continued, requesting whether the corporate hangars were privately owned. Mr. Ogg commented he thought they were. Mr. Newman noted that he could understand the prudence and logic to sign long-term contracts. He stated that the rest of the hangars were month-to-month and saw that as an imbalance between the landlords and the uniform treatment of tenants. He requested that there be a minimum of a one-year lease. Ken Mercer said that again, the public needs to be involved in the process. He asked the background of the consultant. Chair Ogg responded that it may come up in the meeting. Mr. Neff stated that the Unit 1 leases were a cost per square foot. He asked the basis for the cost of the corporate hangars.

Manager’s Report e –Mr. Franecke clarified that the Spirit of St. Louis lease had been extended. Mr. Jensen stated it had indeed been

extended to February 25, 2018. Mr. Franecke asked why it wasn't extended until May 2018. The Airport Manager responded that Mr. Ragazzino will give valuable information to the appraiser and told Mr. Jensen it was fine to defer until October. Vice Chair Franecke wanted to comment on the record that the project has a special connection with Gness and the Supervisors. The Airport Manager agreed and restated that their lease was recently updated to February 2018 and the project sponsor was satisfied with that. Commissioner Nave said it was important that the project be given the time to put the Spirit of St. Louis away. Commissioner Beach said the Commission should support the Spirit of St. Louis work through the Bemac lease expiration.

Manager's Report f – Mr. Beach asked if the bids shed any light on the runway rehab closure. Mr. Jensen stated that the work terms stay the same with 28 days to prep the project and 32 days under construction. Mr. Franecke inquired how the project will be paid. The Airport Manager responded that 90% will be paid by the FAA, Gness was applying to the State to cover 5%, which would leave the Airport Enterprise Fund to cover 5 or at most, 10% of the total cost of the project. Vice Chair Franecke asked if the contract was between the County and the contractor or the FAA? Mr. Jensen answered that it was a County contract that goes through FAA review; he offered that the County will forward it to the FAA the second week of August. Mr. Franecke inquired if any schedule changes had occurred. The Airport Manager replied not yet. Commissioner Nelsen asked who the low bidder was. Mr. Jensen reported it was Team Ghilotti. Mr. Nelsen wondered how the \$600,000 over the engineer's estimate would affect the budget. The Airport Manager said that was for the FAA to decide. Chair Ogg stated that the County was trying to keep everyone informed on the process. Commissioner Beach asked if there were liquidated damages listed in the contract, as Mr. Steger had suggested, should construction run over 32 days. Mr. Jensen stated there were. Vice Chair Franecke said that he shared Commissioner Beach's concern over the cost of any delays.

Ted Newman claimed that the low bid was 40% above the engineer's estimate for the project. He questioned if it turned out to cost even half that much additional, would there be funds - and if not, they're not starting in September. He wondered if there was a minimum notification period. Pat Scanlon claimed that what was occurring was all useless gestures. He said he wanted to be involved in the disruption planning. He stated that the tenants feel left out of the process, which is why this meeting had so much venting of frustration. He hoped the businesses on the field could survive the closure. He said he had 10 employees to lay off. He noted that the Airport Manager helps him all he can, but the

businesses are second class citizens. Dan McConnell asked the Commission to remember when DPW was working on the ramp, they were told DPW staff was the cheapest way to get the work done. He asked if anyone had priced what it would cost DPW to do this project. Ken Mercer said DPW should email the Airport users when these milestones are met; that people don't get informed unless they really "pull back the information from staff" and look for themselves. Mr. Neff wanted the last word to be a thank you to Pat Scanlon.

4. Unfinished Business – Chair Ogg asked if there was any unfinished business that had not already been discussed; hearing none, he moved onto the next item.
5. New Business – Commissioner Nelsen said considering what Pat Scanlon and TJ Neff had to say, does the Team Ghilotti contract allow Gness to defer until after the rains, as construction may easily go to 60 or 90 days if it rains. Mr. Jensen said he would review the contract and report back to the Commission. Commissioner Nave stated that he felt for the Gness Field businesses because working with the FAA isn't easy. Commissioner Watt also asked how long the contract bid remains good. The Airport Manager reiterated he would check and then passed along that the contractor brought up that the project needs to go on schedule to miss the rains.
6. Aviation Commissioner Reports and Comments – Commissioner Beach said that Aviation Commission meetings should be held once a month. Chair Ogg thought that the overall tone of this meeting had been that inclusion is not happening to the public's satisfaction. Commissioner Rattet brought up the uncertainty of the rain, which will come, and therefore may become a reprieve. He mentioned that he thought it was important that regardless of the rain and the project, there should be a continuous flow of fuel available so the Field is supplied. Vice Chair Franecke stated that when Mr. Neff is interviewed, he requests the interviewer be given as much information to combat the FAA's superficial conclusions regarding the runway extension. Chair Ogg asked for any public comment on the Aviation Commissioner Reports and Comments. Pat Scanlon stated that the businesses need to know when service is available and he called on the businesses to keep the public and the Commissioners informed what they are doing and when they are doing it. Mr. Beach said there should be a public meeting that is a dialogue and the Commission should work with the County to develop that format.

7. Liaison Committee – Chair Ogg reported that he had met with the County in June on the convoluted financial reporting of the Airport Enterprise Fund. He stated the conclusion was revenues came in and out and the dollar amount is never standard. He said that issues such as taxes, rents, hangar sales, and County Counsel billings cause fluctuations and other agencies obscure the complete picture. He concluded that the Liaison Committee is still digging in this amorphous process for actual numbers and to answer the question why monies are not made available for the issues at the Airport. He noted that Mr. Jensen has earned \$4 million for grants at the Airport, but so much of it is used on consultants. He offered that he did not believe the County was trying to hide anything, just that the process does not allow for a mutual language or understanding. Commissioner Beach asked what the Liaison Committee would do to get a full picture. Mr. Ogg said there will be another meeting. Mr. Beach asked if it could be before the next Commission meeting. The Chair replied that ideally, the Liaison Committee will set up a meeting with Pat Scanlon, TJ Neff, and Ken Mercer to discuss the fuel facility; ground leases, and the runway rehab project.

Chair Ogg asked for any public comment on the Liaison Committee. Ken Mercer commented that he was a County employee and understood the County's profit/loss balance statement format. He asked that it be recognized that not a dime of property taxes go to the Airport; half of the one percent goes to the County's General Fund and half goes to the Novato schools. He stated that if the runway rehab project requires money from the General Fund, it should be in the form of an outright gift, not a loan.

8. Open Time – David Hartz, upholstery business in Unit 1, expressed concern that the County is not responding to the status of Bemac leases in a timely manner. He stated that the uncertainty made him very nervous; was he grandfathered in with his use permit? - would he be locked out as of 2/26/18? He wanted to hear something and claimed to speak for himself and others that hearing on 2/24 was not acceptable. Pat Scanlon wanted to make it clear that the runway rehab was an important project and he was not against the project; he wants to be part of the disruption planning. Susan Royce stated that Michael Knight of Skydive Golden Gate should also be included in the runway rehab disruption planning meeting. Ted Newman said that if the runway rehab project can't be done by November 15, it should wait until 2018. He went on to say that the tenants want to be involved in these plans and processes. Ken Mercer indicated that

looking over the County's shoulder was more work for the County, but the Airport users have a right to ask for a place at the table.

Vice Chair Franecke asked for an update on skydiving operations. The Airport Manager commented that overall, it was working well. He noted there had been some issues regarding jumping in the pattern and dogs loose at their operation. Mr. Jensen had requested that the FAA review if the 20 knots restriction was a guideline or a requirement, since jumping had occurred at gusts over 30 knots and Mr. Knight was not happy Gness asked the FAA for clarification. Mr. Franecke was surprised jumpers were coming down in the pattern. The Airport Manager clarified that it was the jumper aircraft that needed to wait to land and overall, though there had been a few surprises, there had been good communication with the skydiving operation and he was requesting no changes at this time. Commissioner Beach brought up that skydiving was not on the agenda. Chair Ogg made a point of order and Vice Chair Franecke acknowledged he should have addressed skydiving under Incidents and Accidents in the Airport Manager's Report.

The Recording Secretary requested that the Chair repeat who will be asked to attend the next Liaison Committee meeting and what the topics will be. Mr. Ogg stated that the Liaison Committee will have the County meet with Pat Scanlon, TJ Neff, and Ken Mercer regarding the fuel facility, ground leases, and the runway rehab project.

9. Adjourn – Chair Ogg made the motion to adjourn. Vice Chair Franecke seconded.

The Chair gaveled the meeting adjourned at 8:43 p.m.