Thursday, April 21, 2022
Naples Airport Authority: Regular Meeting

The meeting was called to order by Chair Dustin at 8:31 a.m. in the Council Chambers at City Hall.

A. ROLL CALL

1. Roll Call

Present were Chair Dustin, Vice Chair Ruppert, Commissioner Lenhard, Commissioner Messer and Commissioner Cuddihy.

Staff and Authority Counsel present were Mr. Rozansky, Mr. Owens, Ms. Cooper, Mr. Keith, Mr. Warriner, Mr. Gray, Mr. Brown, Ms. Bendle, Ms. Best, Mr. Burch, Mr. Denault and Ms. Menard.

B. PLEDGE OF ALLEGIANCE

Chair Dustin led the Pledge of Allegiance.

C. AGENDA

Mr. Rozansky noted the following changes to the Agenda:

- March 17, 2022 Regular Meeting Minutes – In the last paragraph on page 6 under Item 4, Renew Employee Benefits for $1,445,084, the minutes were corrected to read (please note changes in **red**):

Chair Dustin ~~announced~~ said that he found out last night that one of his family members had a summer internship with Guardian Insurance, which is one of the ancillary carriers for dental, vision, life and disability insurance. He asked Mr. Owens if he should not vote on this item. Mr. Owens cautioned that this could rise to a potential conflicting relationship and recommended he abstain from voting on this item. Mr. Owens stated that Chair Dustin will need to complete Form 8B, a Memorandum of Voting Conflict for County, Municipal, and Other Local Public Officers. After clarification that the family member works for the ancillary insurance carrier and not BKS Partners, Mr. Owens stated that the relationship makes it one more or two times removed from the Authority's benefits broker making it a question as to whether he needs to abstain. Commissioner Lenhard ~~requested~~ suggested Chair Dustin to abstain, given the current atmosphere. ~~and~~ Chair Dustin ~~agreed to do so.~~ abstained from the vote.

- April 5, 2022 Consultant Selection Committee Minutes – The minutes were corrected to add the following paragraph to the top of page 4, following the AVCON question-and-answer period:

Commissioner Cuddihy asked Mr. Brady if he could help the Committee understand which firm's presentation was more efficient in terms of building and in terms of maintaining the project. Mr.

Brady stated that the cross-connection of the ponds as presented by Hanson was a longer-term solution than the other two firm's solutions. Mr. Brady stated that the cross-connection of the pond would ultimately be a requirement. The solutions presented by the other two firms would reduce some of the pollutants earlier in the process. Mr. Brady added that he didn't share his three presentations with each of the firms. He said that the advantage to Hanson is that they looked at this solution quite some time ago. He stated that all of these solutions are going to require a new set of models, new computational fluid dynamics, new continuous simulations for the average annual load and new events for the storms, and we wouldn't lose anything from any one of the firms. He said that the Hanson solution allows us to get that piece in now. Regarding the length of time for the issuance of a conceptual permit on the master drainage plan, Mr. Brady stated that it took four years from the time it started until the last monitoring was done. We were allowed to keep building other projects during that time because we were working in good faith with the Water Management District in showing them the information as it came along with the understanding that the whole system or at least part of it was going to be in place and functional by the time the buildings were constructed. Mr. Brady stated that the whole package is going to be a long project.

- Under Presentations and Time Certain Items, Item 3, Investment Update – The Economic and Investment presentation was updated with the most current available financial data, and it was distributed to the Board in advance of the meeting.

- Under Action Item 8, Purchase of Tractor Not to Exceed $66,552.00 – The briefing paper was updated to reflect that the Creel Tractor was in stock in Fort Myers and that the tractor could be delivered in approximately two weeks, once approved, and that the expense was anticipated in the FY22 capital budget. At the time the Board packet was published, the Kubota tractor was on back order and anticipated to be delivered in FY23.

- New Business 2, Mid-Year Cost of Living Adjustment Not to Exceed $167,000 - This item was added to the agenda, and the briefing paper was distributed to the Board in advance of the Meeting.

- New Business 3, On-Airport Affordable Housing - This item was added to the agenda and the briefing paper was distributed to the Board in advance of the Meeting.

- Under Old Business 1 and 2, NCC and TAC Update – Old Business 2, TAC Update, will be combined with Old Business 1, NCC Update, in order to provide a more efficient update of the Joint NCC and TAC meeting held on March 30th.

- Under Counsels Report – Item 2, Litigation Settlement - This item was added to the agenda, and the briefing paper was distributed to the Board in advance of the Meeting.

D. MINUTES

1. March 17, 2022 Regular Meeting Minutes

Commissioner Cuddihy moved approval of the March 17th Regular Meeting minutes as corrected and noted earlier by Mr. Rozansky. Commissioner Lenhard seconded. Motion passed unanimously 5-0.

a. Form 8B, Memorandum of Voting Conflict for County, Municipal, and Other Local Public Officers

Mr. Owens stated at the last regular meeting on March 17th, Chair Dustin abstained from voting on a measure due to a conflict of interest. He said that Chair Dustin completed Form 8B and filed it within 15 days after the vote occurred with the person responsible for recording the minutes of the meeting. He added that the form was incorporated into the minutes which were just approved, and a copy of the form was provided to all other Commissioners on the NAA Board. Mr. Owens stated that the final requirement is that the form must be read publicly. Mr. Owens read aloud Form 8B as signed by Chair Dustin on March 28, 2022. Mr. Owens stated that in order to expedite this process, all of the preprinted boiler plate provisions of Form 8B as approved by the Florida Commissioner on Ethics, are also included.

2. April 5, 2022 Consultant Selection Committee Meeting Minutes

Mr. Rozansky summarized a paragraph that was being added to the minutes. Commissioner Lenhard moved approval of the April 5th Consultant Selection Committee Meeting minutes as corrected and noted earlier by Mr. Rozansky. Commissioner Messer seconded. Motion passed unanimously 5-0.

E. PRESENTATIONS AND TIME CERTAIN ITEMS

1. Employee of the Quarter

Chair Dustin presented Maintenance Technician, Dennis Denault, with the Employee of the Quarter award. He said that Mr. Denault has been an integral part of the NAA team since he started in May 2019 and is always reliable, taking on work with pride and professionalism with a focus on quality. Chair Dustin noted that during the past quarter, Mr. Denault was instrumental in assisting with the move back into the General Aviation Terminal and installed or moved approximately 30 televisions, brackets and wiring, and hung white boards and pictures to help everyone feel comfortable and ready to work in their new space. Chair Dustin congratulated Mr. Denault for his exemplary customer service.

Mr. Rozansky added the Mr. Denault was a joy to have on the team, always goes above and beyond but stands out all the more because he always has a smile on his face. Mr. Rozansky said that he was happy Mr. Denault was being recognized today.

2. Risk Management Update – Felipe Garcia, Alliant Specialty

Mr. Warriner stated that a couple of meetings ago, the Board requested an overview of our insurance program. He introduced Mr. Felipe Garcia and Mr. Ben Sibley of Alliant Specialty, our insurance brokers since the fall of 2020. Mr. Felipe presented an overview of our property and casualty insurance portfolio. Mr. Garcia highlighted the state of the current insurance market and expressed concern with respect to valuations of our physical assets. Mr. Sibley provided a summary of the airport liability coverage as well as the cyber liability coverage. Mr. Garcia recommended that the NAA increase its cyber liability limits from $2 million to at least $3 million and potentially up to $5 million.

Mr. Sibley provided a summary of the Package policy (Inland Marine, Auto Liability, Auto Physical Damage, Public Officials Liability and Employment Practices Liability coverages), Property, Workers Compensation and other coverages (Alliant Deadly Weapon Response Program (ADWRP), Crime (ACIP), Fiduciary Liability (FLIP), Flood: (Multiple Locations), Premises Pollution (UST), Surety Bonds: (Christopher Rozansky, Diane Cooper, Ken Warriner) and Terrorism & Boiler and Machinery Insurance.

A question-and-answer period followed throughout the presentation.

3. Investment Update – John Grady, Public Trust Advisors

Mr. Warriner introduced Mr. John Grady, the NAA's investment advisor from Public Trust Advisors. Mr. Grady presented an economic update of the U.S gross domestic product measures, inflation rates, federal funds rate expectations, and U.S. Treasury yield comparisons. He provided a summary of our investment portfolio.

A question-and-answer period followed.

F. PUBLIC COMMENTS

There were no public comments.

G. ACTION ITEMS (Public comments accepted for each item; 5-minute limit)

1. Increase Investment Allocation by $10,000,000

Mr. Warriner requested Board discussion and consensus to invest $10,000,000 in short-term securities to get the additional yield of approximately $160,000 more than our current market rate. He said that by investing these additional funds, our overnight cash reserve will still be about $25,000,000 and staff is comfortable that there would be plenty of cash on hand to meet our needs.

Chair Messer moved Board approval for the Executive Director to transfer up to $10,000,000 to purchase additional investments in accordance with the adopted investment policy. Commissioner Cuddihy seconded. The motion passed unanimously 5-0.

2. Consultant Selection Committee Ranking of Firms for Request for Qualifications and Proposals (RFP) – South Quadrant Hangar Development – Design, Permitting, Bidding and Construction Administration

Mr. Keith requested Board approval of the Consultant Selection Committee ranking for the South Quadrant Hangar Development – Design, Permitting, Bidding and Construction Administration Services and authorization for the Executive Director to negotiate and execute a Professional Services Agreement with Hanson Professional Services.

Mr. Keith provided an overview of the Request for Qualifications process that resulted in six Letters of Interest and Statements of Qualifications. The Staff Evaluation Committee met publicly on March 8th to select three firms to conduct in-person presentations to the Consultant Selection Committee. On Tuesday, April 6th, the Consultant Selection Committee interviewed, ranked, and recommended the following three firms for Board approval:

1. Hanson Professional Services
2. AVCON, Inc.
3. American Infrastructure Development, Inc.

Mr. Keith stated that if negotiations fail with the No. 1 ranked firm, negotiations would begin with the No. 2 ranked firm, followed by the No. 3 ranked firm.

Regarding a comment received by a citizen last night, Mr. Rozansky stated that the individual made a recommendation on the design, size of units and eliminating a taxi lane to provide for more hangars. Mr. Rozansky said that these types of things are addressed in the design process. He clarified that once the negotiation is complete, staff would come back to the Board to approve the scope and fee of the design. He added that we learned during the Consultant Selection Committee interviews that this project will cost significantly more than originally anticipated.

A question-and-answer period followed.

Commissioner Lenhard moved Board approval of the Consultant Selection Committee ranking as presented by Mr. Keith for the South Quadrant Hangar Development – Design, Permitting, Bidding and Construction Administration Services and for the Executive Director to negotiate and execute a Professional Services Agreement with Hanson Professional Services. Vice Chair Ruppert seconded. Motion passed unanimously 5-0.

3. Airport Office Building Improvement Construction Not to Exceed $1,664,353.92

Mr. Keith requested Board authorization for the Executive Director to execute a contract with Owen Ames Kimball in an amount not to exceed $1,514,353.92 for the Airport Office Building (AOB) Improvement Project plus a contingency of $150,000.00 for a total authorization of $1,664,353.92.

Mr. Keith stated that the Board approved a contract with SchenkelShultz for the design of the AOB Improvement project in February 2020, and that the project was initially advertised for bids in February 2021 and subsequently cancelled due to budget, schedule, and regulatory constraints. He

said that the plans have since been revised and were readvertised with bids due on April 8th. He reviewed the results of the three firms that provided a bid and stated that staff was requesting approval of a contract with the low bidder, Owen Ames Kimball. He said that assuming the permits are issued in time for the contractor to commence work on June 1st, the contract requires construction to be completed by November 1st.

A question-and-answer period followed.

Commissioner Lenhard moved Board approval for the Executive Director to execute a contract with Owen Ames Kimball in an amount not to exceed $1,514,353.92 for the Airport Office Building (AOB) Improvement Project plus a contingency of $150,000.00 for a total authorization of $1,664,353.92. Vice Chair Ruppert seconded. The motion passed unanimously 5-0.

4. Amendment to Agreement for Airport Office Building Construction Administration Services Not to Exceed $75,000

Mr. Keith requested Board approval for the Executive Director to execute a contract amendment for the Airport Office Building (AOB) Construction Administration Services with SchenkelShultz Architecture in an amount not to exceed $75,000.

Mr. Keith stated that at the February 2020 Regular Meeting, the Board approved a contract with SchenkelShultz Architecture for the design and bidding of the General Aviation Terminal (GAT) and AOB Modernization Project. As noted in the previous action item, the project was scaled back to better align with budget, scheduling, and regulatory constraints; and the AOB improvement construction was rebid with a due date of April 8, 2022. He said that with the approval of Action Item 3, construction administration services will be necessary in an amount not to exceed $75,000.

Commissioner Messer moved Board approval for the Executive Director to execute a contract amendment for the Airport Office Building (AOB) Construction Administration Services with SchenkelShultz Architecture in an amount not to exceed $75,000. Commissioner Cuddihy seconded. The motion passed unanimously 5-0.

5. Airport Office Building Furniture Contract with BOS Not to Exceed $168,000

Mr. Keith requested Board approval for the Executive Director to execute a contract with BOS, Inc., in an amount not to exceed $168,000 for new furnishings in the renovated Airport Office Building (AOB). He said that this includes the direct furniture costs of $153,000, and a contingency of $15,000 (10%).

He said that with the Board's approval of a contract with O-A-K/Florida, Inc. (OAK) for the AOB Interior Improvements under Action Item 3, new furnishings will be necessary and will complement the coastal-modern design to provide a modern office facility and public meeting room. He said that the Furniture, Fixtures and Equipment (FF&E) are not included as part of the construction contract, as these items will be procured directly by the Authority, which provides better value due to savings on sales tax and contractor markup. Mr. Keith presented optional layouts of the new AOB conference room that will be twice the size of the existing room.

Commissioner Messer asked if the proposal included the audiovisual equipment for the AOB. Mr. Keith stated that the design has not been completed yet. There was discussion regarding the technology and audio difficulties experienced at the recent Technical Advisory and Noise Compatibility Committee Joint Workshop Meeting held in the County's conference room. Mr. Rozansky added that in the General Aviation Terminal, 2nd Floor conference room, a new system was selected and custom designed for the space. He said that staff will test it before moving forward with a system for the AOB. Commissioner Messer commented that it would be beneficial to test the audio system when there are several people in the room, unlike what was done for the Joint Meeting test.

In response to Vice Chair Ruppert's question regarding lead times on the furniture purchase plan, Mr. Keith stated that we are ahead of schedule in our planning, and the furniture supplier will be able to provide everything in time.

Vice Chair Ruppert moved Board approval for the Executive Director to execute a contract with BOS, Inc., in an amount not to exceed $168,000 for new furnishings in the renovated Airport Office Building (AOB) as presented by Mr. Keith. Commissioner Messer seconded. The motion passed unanimously 5-0.

6. Lease a Modular Office Building Not to Exceed $179,925

Mr. Keith requested Board authorization for the Executive Director to lease a modular office building from Alternative Building Solutions (ABS) to provide additional office space for staff during multiple construction projects for $163,925 and a contingency of $16,000 (10%).

Mr. Keith stated that due to the pending renovations at the AOB, the North Road Terminal (NRT), and Facilities (FAC) Building, there is a need to provide temporary office space. He noted that the modular office building will be located near the North Road Terminal parking lot and will be used for two years.

Mr. Keith provided a summary of the quotes received and explained the difficulties in finding a modular office building in a timely manner. He noted that ABS had inventory of one unit and could deliver it within one to two weeks. He reviewed the breakdown of costs associated with the 24-month lease and presented a schematic of the office location, layout, and exterior of the office building.

In response to Commissioner Lenhard's question regarding furniture needs in this building, Mr. Keith stated that the inventory of our old furniture will be used in this space.

Commissioner Lenhard moved Board approval for the Executive Director to lease a modular office building from Alternative Building Solutions (ABS) to provide additional office space for staff during multiple construction projects for $163,925 and a contingency of $16,000 (10%) for a total amount not to exceed $179,925. Commissioner Cuddihy seconded. The motion passed unanimously 5-0.

7. Easement with Florida Power and Light for the Installation of the Electrical Service Line to 455 Citation Point

Mr. Keith requested Board authorization for the Executive Director to execute an easement with Florida Power and Light (FPL) for the installation of an electrical service line to 455 Citation Point contingent upon review and approval by NAA legal counsel. He said that FPL will install new service to the hangar currently under construction and the easement is for a new service line from the nearest existing transformer. He said that the cost of the installation is the responsibility of the contractor, Build, Inc.

Commissioner Lenhard moved Board approval for the Executive Director to execute an easement with Florida Power and Light (FPL) for the installation of an electrical service line to 455 Citation Point contingent upon review and approval by NAA legal counsel. Vice Chair Ruppert seconded. The motion passed unanimously 5-0.

8. Purchase a Tractor Not to Exceed $66,552 – Revised Item

Mr. Brown requested Board authorization for the Executive Director to execute a purchase agreement with Creel Tractor Company for one (1) Kubota four (4) wheel drive tractor for $66,552.00. He provided a summary of the bid process that was posted on February 4th, and it resulted in no bids received. He said a revised bid was posted on March 8th with one bid received. He said that the tractor is in stock in Fort Myers, and delivery will be in approximately two weeks after approval. He stated that when the new unit is received, a 1998 Massey Ferguson Tractor will be auctioned.

Vice Chair Ruppert moved approval for the Executive Director to execute a purchase agreement with Creel Tractor Company for one Kubota four-wheel drive tractor for $66,552.00. Commissioner Messer seconded. The motion passed unanimously 5-0.

9. Purchase a Lift Not to Exceed $78,659

Mr. Brown requested Board authorization for the Executive Director to execute a purchase agreement with All Around Access LLC for a Skyjack self-propelled articulating boom lift in an amount not to exceed $78,659. He stated that an invitation to bid was posted on February 4th and one bid was received. He said that the bid was higher than anticipated so staff revised the bid and posted it on March 8th. He said that All Around Access was the sole bidder for a Skyjack SJ 45AJ in the amount of $78,659.00 and their bid includes delivery and a warranty. He stated that when the new unit is received, the 2000 Genie lift will be auctioned. Delivery is expected in March 2023.

Commissioner Messer moved Board approval for the Executive Director to execute a purchase agreement with All Around Access LLC for a Skyjack self-propelled articulating boom lift in an amount not to exceed $78,659. Commissioner Cuddihy seconded. The motion passed unanimously 5-0.

10. Purchase Four Trucks Not to Exceed $244,634

Mr. Brown requested Board authorization for the Executive Director to execute an equipment purchase agreement with Alan Jay Fleet Sales for four Ford trucks: An F-150, an F-250, an F-350 and an F-450 for $212,725 and a contingency of $32,000 (15%). He provided a summary of the bid process that was advertised on March 15th resulting in no bids. He said that Alan Jay Fleet Sales sent pricing to us for budgeting purposes only and were clear that this was not a formal bid due to expected delivery lead times (up to one year) and the fact that Ford has not yet issued 2023 pricing. Mr. Brown expressed his desire to procure a spot in line to receive these vehicles.

A question-and-answer period followed regarding consideration to procure electric pickup trucks and staff's consideration to procure vehicle from other manufacturers. Mr. Brown stated that the NAA has an all-Ford fleet and this allows us to keep same parts in stock and trained mechanics capable of working on the equipment. He added that electric vehicles were considered but procurement time is further out and that he would not advise procuring electric vehicles until charging stations were installed at the new Facilities building.

Mr. Brown stated that once the new vehicles are delivered, all but one of the existing vehicles will be auctioned. A 2008 F250 will be retained for additional staff.

Commissioner Lenhard moved Board approval for the Executive Director to execute an equipment purchase agreement with Alan Jay Fleet Sales for four Ford trucks: An F-150, an F-250, an F-350, and an F-450 for $212,725 with a contingency of $32,000 (15%) for a total amount not to exceed $244,634. Commissioner Cuddihy seconded. The motion passed unanimously 5-0.

11. Agreement with Optimum Business Transformation, LLC Not to Exceed $65,178

Mr. Warriner requested Board authorization for the Executive Director to execute a contract with Optimus Business Transformation, LLC for financial software implementation of $49,140 plus $6,750 for contingencies and annual Microsoft software license fees of $9,288 for a total amount not to exceed $65,178. Mr. Warriner noted that staff conducted in-depth research of different software solutions over the past 12 months that would meet our current and future needs. He stated that Optimus Business Transformation is a Microsoft certified partner, and that staff recommends Microsoft Dynamics 365, a cloud-based software as a service solution to replace our current system, Serenic Navigator.

Commissioner Cuddihy moved Board approval for the Executive Director to execute a contract with Optimus Business Transformation, LLC for financial software implementation of $49,140 plus $6,750 for contingencies and annual Microsoft software license fees of $9,288 for a total amount not to exceed $65,178. Vice Chair Ruppert seconded. The motion passed unanimously 5-0.

H. NEW BUSINESS

1. Bipartisan Infrastructure Law (BIL)

Mr. Lobb presented the FAA's Bipartisan Infrastructure Law that was passed by Congress and signed into law on November 15, 2021. Mr. Lobb stated that it is a $1 trillion total package with $550 billion of new money for transportation, broadband, and utilities and $25 billion for airports. He said that this law is in addition to the traditional Airport Improvement Program funding and some of the supplemental funding programs that Congress has authorized through annual appropriations. He provided an overview of the legislation. He presented three projects that may be eligible for this funding which included the navigational aids improvements, electrical vault improvements and the Taxiway B and C LED light conversation.

Chair Dustin asked if the $5 billion funds available to air traffic facilities, could be used to help the FAA help us with allowing aircraft to fly higher faster. Mr. Rozansky stated that he was not certain, but would ask the FAA.

2. Mid-Year Cost of Living Adjustment Not to Exceed $167,000 – New Item

Mr. Warriner requested Board consensus for the Executive Director to authorize a mid-year cost of living increase for employees during FY 2022 in an amount not to exceed $167,000. As Mr. Grady pointed out in his earlier presentation in the overall state of the economy, he said that inflation is at an all-time high and cost of living is up considerably.

A question-and-answer period followed regarding the percentage increase on an annual basis to employees' salaries, the 3.5% increase in the consumer price index for the first six months of FY 2022, as well as the approach to next year's budget for increasing salaries. Mr. Warriner stated that if the mid-year cost of living adjustment is approved, it would be a partial increase and adjustments made at the end of September would be for the remaining six months.

There was unanimous Board consensus for the Executive Director to approve a mid-year cost of living increase for employees during FY 2022 in an amount not to exceed $167,000.

3. On-Airport Affordable Housing

Ms. Cooper requested Board discussion regarding the development of affordable housing on airport property and consensus for one Naples Airport Authority Commissioner to participate in an exploratory meeting with the FAA. She said that Collier County's Affordable Housing Advisory Committee inquired about the possibility of developing affordable housing on airport property. She said that the FAA has historically taken a firm position against residential development on federally obligated airports, as evidenced by the following excerpt from Chapter 20 of the Airport Compliance Manual:

20.5. Residential Development on Federally Obligated Airports.

General. This guidance sets forth FAA policy regarding residential development on federally obligated airports, including developments known within the industry as residential hangars and airpark developments. FAA airports district offices (ADOs) and regional airports divisions are responsible for ensuring that residential developments are not approved when reviewing a proposed ALP or any other information related to the airports subject to FAA review. There is no justification for the introduction of residential development inside a federally obligated airport. It is the sponsor's federal obligation not to make or permit any changes or alterations in the airport or any of its facilities that are not in conformity with the ALP, as approved by the FAA. In several instances, the FAA has received requests from airport sponsors and developers interested in developing residential airparks adjacent to federally obligated airports. These types of development generally include residential hangar sites and a "through-the-fence" access to the airport. While these types of development have taken place at some private use airports, it does not provide the basis to justify FAA approval of such developments on federally obligated airports and that might, in the opinion of the FAA, adversely affect the safety, utility, or efficiency of the airport.

There was discussion about the conflicts associated with asking the FAA to make considerations for noise reduction in our community while asking them to consider the feasibility of developing housing on airport property. The Board expressed that it would be counterproductive to pursue this with the FAA and could cause harm to our noise objectives; however, they were empathetic to those who are struggling to find affordable housing given the unprecedented demand for real estate and felt it would be important to be engaged with the County to find solutions.

Mr. Rozansky suggested that Mr. Joseph Trachtenberg, member of the County's Affordable Housing Committee, be invited to present at our next Board meeting and to provide an opportunity to dialog with him about these issues at that time. *Note: Following the meeting, Mr. Trachtenberg agreed with the Board's concerns and withdrew his request at this time.*

I. OLD BUSINESS

1. Noise Compatibility Committee/Technical Advisory Committee Update

Commissioner Messer provided an update of the Joint Workshop Meeting of the Noise Compatibility Committee (NCC) and the Technical Advisory Committee (TAC) that was held on March 30th. She noted that Zac Burch, Communications and Community Engagement Manager, is working with NCC and TAC members to schedule community meetings in the areas they represent and that anyone interested in scheduling a meeting or presentation should contact Mr. Burch at zburch@flynaples.com or at 239-643-0733.

Vice Chair Ruppert recognized Garth, ESA and everyone involved in putting the Joint Workshop Meeting with the NCC and TAC together, despite the technical challenges, and the uncivil start to the meeting. He complimented members of the public who stayed for the eight-hour meeting.

Mr. Rozansky expressed tremendous appreciation for the County's efforts and helping us to overcome the technical difficulties.

Chair Dustin said that it was incumbent upon the Board to call out and not accept rude behavior because we are all working hard and there is no place for anyone to be uncivil.

J. LEADERSHIP TEAM REPORT

1. Leadership Team Report

Commissioner Lenhard thanked staff for changing the format of the Aircraft Operations and Curfew Compliance Summary to include the percentage of operator operations and percentage of curfew operations. Commissioner Cuddihy thanked staff for adding the phone numbers of the top curfew violators to the report as well. Vice Chair Ruppert commented about the curfew violator who appeared on the list who lives in the middle of Old Naples where most of the noise comments come from. Commissioner Messer said that it just shows how frustrating this process is in trying to make change.

In response to Commissioner Cuddihy's question regarding other companies who will comply with the curfew, Mr. Rozansky stated that Fly Exclusive, who is one of our top fuel customers, expressed their intention to curtail flying during that time.

For the listening public, Mr. Rozansky stated that on the flynaples.com home page in the upper right-hand corner, a button for the flight tracking service has been added and right next to that button, is another button to access the curfew report. He stated that effective May 1st, we will be changing the hours that fuel will be available at the FBO from 6 a.m. – 10 p.m. to 6:30 a.m. – 9:30 p.m., and that any operator at the airport requesting any service between 10 p.m. to 6 a.m. will incur a service charge of $250.

K. FINANCIAL REPORTS

1. Financial Summary

Mr. Warriner presented the March financials. He said that the year-to-date change in net position before capital contributions was favorable to budget by approximately $3,700,721.

A question-and-answer period followed.

Mr. Warriner commented that we added the new position, Purchasing and Contracts Manager, Linda Best. He said that we now have an expert to help with our procurement processes whereas previously departments used to do this on their own.

Vice Chair Ruppert moved acceptance of the March financials. Commissioner Lenhard seconded. Motion passed unanimously 5-0.

L. COUNSEL'S REPORT

1. Counsel's Report

He said that there were no other material legal matters to discuss other than the next item.

2. Litigation Settlement

For the public's benefit, Mr. Owens stated that a former employee of the Authority filed a lawsuit in 2021 with the United States District Court for the Middle District of Florida, reference Case No. 221-CV-332. The plaintiff initially asserted claims against the Authority for discrimination and retaliation in connection with termination of her employment. The Authority through defense counsel, paid for by the insurer, has been vigorously defending this action from the outset. In October of 2021, the Court entered an order in part granting the Authority's Motion to Dismiss the plaintiff's amended complaint. As a result, the plaintiff abandoned her discrimination claim and filed a second amended complaint asserting only her claims for retaliation. Although the Authority firmly believes that there is no merit to any of the allegations or claims made by the plaintiff, both the insurer and the defense counsel are recommending the Authority settle the subject litigation in an amount not to exceed $20,000. Mr. Owens stated that any such settlement would be made solely for the purpose of avoiding the burden and expense of litigation and does not constitute nor shall it be construed as an admission of liability by the Authority. Mr. Owens stated that he has been advised that obviously subject to customary reservation of rights, there is no deductible to be paid by the Authority under the applicable insurance policy and the insurer would be directly paying the plaintiff the full amount of any settlement. He added that pursuant to the Executive Director's Delegation of Powers, the power to settle this type of litigation is reserved exclusively to the Board and therefore, this is being brought for Board consideration to formally authorize the Executive Director to settle this litigation in an amount not to exceed $20,000.

Vice Chair Ruppert moved Board approval for the Executive Director to settle the litigation as presented by Mr. Owens in an amount not to exceed $20,000. Commissioner Messer seconded. The motion passed unanimously 5-0.

M. PUBLIC COMMENTS (5-minute limit)

There were no public comments.

N. CORREPONDENCE/COMMISIONER COMMENTS & REQUESTS/MEETINGS

Commissioner Messer requested discussion relative to the current noise issues and abatement studies. She commented that the East Hampton Airport in Long Island is going through that now, and the Town of East Hampton has decided to close their airport after their grant assurances expired in September 2021. She said that the airport will close for 33 hours effective May 17th and will reopen on May 19th in the morning as a private airport with public access. She said this is precedent setting and against any current federal law. The Town of East Hampton has been

working with the FAA on the reopening procedures and there will be a "prior permission required" procedure requiring aircraft operators flying into this airport to complete a series of forms. She said that it will be interesting to watch how this all will transpire and how the FAA is going to react to the litigation by stakeholders. Mr. Rozansky added that while the FAA approved the closure of the public airport, they are working closely with the Town of East Hampton. He stated that the author in a recent article presumed the new private airport is approved but the FAA has not yet come out and approved the "private airport." In speaking with a number of industry folks, he said that there is still a degree of skepticism that this plan will move forward.

Commissioner Messer said that the Town of East Hampton did this so that they can enact the restrictions they want to enact being a private airport. She noted that depending on what happens with the East Hampton Airport, we could potentially do the same thing in Naples if we wanted to.

Commissioner Cuddihy suggested that at the Joint Workshop Meeting with City Council and the NAA Board, it would be helpful to have Mr. Kirsch and the folks doing the work for East Hampton provide an update on this situation for the benefit of both parties.

Chair Dustin requested Board consideration of a citizen's suggestion to elevate the significance of noise issues by appointing someone as a Chief Noise Officer. Commissioner Messer thought it was a terrific idea and said that residents would know immediately who to go to discuss noise issues. Commissioner Cuddihy stated that it would be a fabulous idea to have a position with the sole focus of noise without any other roles inside the organization. Vice Chair Ruppert stated that Mr. Burch is doing a great job in community outreach, but there is a capacity and focus issue that may be better served by having a noise position. Commissioner Lenhard also thought it was a good idea, but he was not sure about the title, Chief Noise Officer.

Mr. Rozansky thanked the Board for their comments and agreed that there is a bandwidth issue. He envisioned that this position could do more outreach with the aviation community, talking to pilots and tenants as well as educating developers about future impacts effected by new construction projects planned around the airport. Mr. Rozansky said that there is a job description being drafted and that there is room in the budget for this type of position. Chair Dustin thanked Mr. Tom Lauer for this suggestion and encouraged staff to see if he had any thoughts as we develop this job description.

O. ADJOURNMENT

With no further business, the meeting adjourned at 11:34 a.m.

Christopher A. Rozansky
Secretary

NOTE: Printed copies of all visual presentations and handouts are on file in the Executive Assistant's Office.

CITY OF NAPLES AIRPORT AUTHORITY (NAA)
Board of Commissioners
Notice of Regular Meeting

FINAL AGENDA

City Hall Council Chambers
735 Eighth Street South
Naples, FL 34102

Thursday, April 21, 2022
8:30 a.m.

Commissioner Kerry C. Dustin – Chair
Commissioner Rick Ruppert – Vice Chair, Consultant Selection Committee Chair, Audit Committee Member
Commissioner Michael Lenhard – Audit Committee and Consultant Selection Committee Member
Commissioner Donna M. Messer – NCC and TAC Liaison
Commissioner Rita Cuddihy – Audit Committee Chair
Executive Director: Christopher A. Rozansky
Authority Attorney: William L. Owens, Esq. of Bond, Schoeneck & King, PLLC

Welcome. If you wish to address the Board of Commissioners regarding an item listed on the Agenda, please complete a Speaker Registration form (available at the rear of the room) and hand it to the Executive Assistant prior to consideration of that item. We ask that speakers limit comments to 5 minutes and that large groups name a spokesperson whenever possible. All written, audio-visual, and other materials distributed to the Board or staff during this meeting will become the property of NAA and will be a public record. Thank you for your interest and participation.

NOTICE

Formal action may be taken on any item listed on the Agenda below, or added to the Agenda before or during the meeting, or discussed during the meeting without being added to the Agenda. Also, the sequence of items may be changed as the meeting progresses.

Any person who decides to appeal a decision of this Board with respect to any matter considered at this meeting (or hearing) will need a record of the proceeding and may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be heard.

Any person with a disability requiring auxiliary aids or services in order to participate in this proceeding for meetings at the City Council Chamber may call the City Clerk's Office at 213-1015, or for meetings at the Airport Office Building, the NAA Executive Assistant's Office at 643-0733, with requests at least two business days before the meeting.

Information on Action Items and other items which has been provided in advance of this meeting may be inspected at the office of the Executive Assistant, General Aviation Terminal Building, 2nd Floor, 160 Aviation Drive North. Minutes of this meeting will be prepared for Board approval, usually at the next Regular Meeting.

A. ROLL CALL

B. PLEDGE OF ALLEGIANCE

C. AGENDA (Add, delete or re-sequence items)

D. MINUTES

1. March 17, 2022 Regular Meeting Minutes
    a. Form 8B, Memorandum of Voting Conflict for County, Municipal, and Other Local Public Officers
2. April 5, 2022 Consultant Selection Committee Minutes

E. PRESENTATIONS AND TIME CERTAIN ITEMS

1. Employee of the Quarter
2. Risk Management Update – Felipe Garcia, Alliant Specialty
3. Investment Update – John Grady, Public Trust Advisors

F. PUBLIC COMMENTS ON GENERAL TOPICS NOT ON THE CURRENT AGENDA

G. ACTION ITEMS (Public comments accepted for each item; 5 minute limit)

1. Increase Investment Allocation by $10,000,000
2. Consultant Selection Committee Ranking of Firms for Request for Qualifications and Proposals (RFP) – South Quadrant Hangar Development – Design, Permitting, Bidding and Construction Administration
3. Airport Office Building Improvement Construction Not to Exceed $1,664,353.92
4. Amendment to Agreement for Airport Office Building Construction Administration Services Not to Exceed $75,000
5. Airport Office Building Furniture Contract with BOS Not to Exceed $168,000
6. Lease a Modular Office Building Not to Exceed $179,925
7. Easement with Florida Power and Light for the Installation of the Electrical Service Line to 455 Citation Point

8. Purchase a Tractor Not to Exceed $66,552

9. Purchase a Lift Not to Exceed $78,659

10. Purchase Four Trucks Not to Exceed $244,634

11. Agreement with Optimus Business Transformation, LLC Not to Exceed $65,178

H. NEW BUSINESS

1. Bipartisan Infrastructure Law (BIL)

2. Mid-Year Cost of Living Adjustment Not to Exceed $167,000

3. On-Airport Affordable Housing

I. OLD BUSINESS

1. Noise Compatibility Committee/Technical Advisory Committee Update

J. LEADERSHIP TEAM REPORT

1. Leadership Team Report

K. FINANCIAL REPORTS

1. Financial Summary

L. COUNSEL'S REPORT

1. Counsel's Report

2. Litigation Settlement

M. PUBLIC COMMENTS (5 minute limit)

N. CORRESPONDENCE/COMMISSIONER COMMENTS & REQUESTS/MEETINGS

O. ADJOURN