

**Boca Raton Airport Authority  
Meeting Minutes  
April 17, 2013  
Boca Raton City Hall - Council Chambers**

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Chair Frank Feiler called the meeting to order at 6:00 P.M.

**MEMBERS**

	Frank Feiler	Chair
	Paul W. Carman	Vice-Chair
	Bruce Benefield	Secretary/Treasurer
	Cheryl Budd	Member
	Gene A. Folden	Member
	David Freudenberg	
Member	Bill Schwartz	Member

**COUNSEL**

Dawn Meyers

**STAFF**

Ken Day, Airport Manager  
Paul McDermott, Assistant Airport Manager  
Janet Sherr, Director of Landside Operations  
Arthur Rubin, Finance Manager  
Russ Buck, Noise Abatement and Security  
Hulda Estama - substituting for Kim Whalen

*The meeting was televised live and videotaped for broadcast at a later date. The meeting was also streamed live to the Boca Raton Airport Authority website, [www.bocairport.com](http://www.bocairport.com).*

**APPROVAL OF MINUTES**

**A MOTION to approve the minutes of the March 20, 2013 regular meeting was made by Mr. Schwartz, SECONDED by Ms. Budd and approved by all Authority Members present.**

**A MOTION to approve the minutes of the April 03, 2013 Emergency Meeting was made by Mr. Feiler, SECONDED by Mr. Folden and approved by all Authority Members present.**

**AGENDA CHANGES**

There were no agenda changes.

**CONSENT AGENDA**

There were no items to be considered.

**STATE, FEDERAL, COUNTY AND MUNICIPAL INPUT**

There was no input provided.

## **FINANCIAL REPORT**

Mr. Benefield provided the financial report for March 2013. Discussion ensued regarding revenue surplus of the current budget.

**A MOTION to approve the Financial Report for March 2013 was made by Mr. Folden, SECONDED by Mr. Carman and approved by all Authority Members present.**

Mr. Folden provided a status report and presentation on the Boca Raton Airport Authority's Inland Marine Property Insurance Policy renewal for May 2, 2013 through May 2, 2014. Discussion ensued regarding the current deductible.

**A MOTION of the Boca Raton Airport Authority authorizing approval to renew the Authority's Inland Marine Property Insurance Policy for the period of May 2, 2013 through May 2, 2014 was made by Mr. Carman, SECONDED by Ms. Budd and approved by all Authority Members present.**

Mr. Folden stated that the Insurance Committee is still reviewing the possibility of an Umbrella Policy. Mr. Folden also stated that Mr. Blodgett is looking into increasing the deductible for the Inland Marine Policy.

## **NOISE ABATEMENT PROGRAM**

Mr. McDermott provided the Noise Abatement/Operations Summary and Runway 05 Departures Report for the month of March. Mr. McDermott also stated there was one incident report for March. Discussion Ensued.

## **TENANT REPORTS AND REQUESTS**

There were no tenant reports or requests provided.

## **AIRPORT MANAGER AND STAFF REPORTS**

Mr. McDermott provided a status report from Airport Management on the Marksman Security Corp. Agreement for Security Guard Services at the Boca Raton Airport, stating that in the Spring of 2012 the Airport Authority entered into an Agreement with Marksman Security Corp. which expires April 30, 2013. There is an options clause for extending the Agreement for an additional two years at the Authority's discretion. Discussion ensued.

Mark Radi, President, Marksman Security thanked the Authority for allowing them to provide security services for the airport over the last three years. Discussion ensued regarding other clients of Marksman and current training received by the officers stationed at the airport.

**A MOTION to consider Resolution Number 04-17-13 of the Boca Raton Airport Authority approving renewal of the Agreement between the Boca Raton Airport Authority and Marksman Security Corp. for Security Guard Services at the Boca Raton Airport for the period beginning May 1, 2013 and ending at midnight April 30, 2014 was made by Mr. Schwartz and SECONDED by Mr. Benefield and approved by all Authority Members present.**

Mr. Schwartz provided a status report on TASK 12 - Runway 05 Blast Fence - Design/Construction stating the lowest bidder was MBR Construction, Inc. Discussion ensued regarding the funding of the project through a grant from the Florida Department of Transportation (FDOT) confirmed at 80% and the Airport Authority at 20%. Additional discussion ensued regarding concerns of decreased funding in the future.

**A MOTION to consider Resolution Number 04-18-13 of the Boca Raton Airport Authority awarding the contract for Jet Blast Deflector to MBR Construction, Inc. was made by Mr. Freudenberg, SECONDED by Mr. Carman and approved by all Authority Members present.**

Mr. McDermott provided a status report on the Stormwater Project stating the project was finalized on time and completed under budget.

Mr. Feiler provided a status report on TASK 27 - Airport Administration Building stating bids were received regarding the Civil Sites Utilities. The lowest bidder was Johnson-Davis, Inc.

**A MOTION to consider Resolution Number 04-19-13 of the Boca Raton Airport Authority approving a contract award for Civil-Site Utilities for the Proposed Administration Building to Johnson-Davis, Inc. was made by Mr. Schwartz, SECONDED by Mr. Carman and approved by all Authority Members present.**

Mr. Carman provided a status report on TASK 28 - Automated Weather Observing System (AWOS) stating that the contract was awarded to Hypower. After the contract was awarded the FAA changed the guidelines for Automated Weather Observation Systems. New guidelines strongly recommend the addition of a standalone barometric pressure sensor. In two years these guidelines become mandatory. Airport Management authorized the contractor to provide and install the additional sensor. There is an extended time to order and receive the equipment. Therefore, the Committee is requesting additional time on the contract. This is a no charge change order to the contract.

**A MOTION to consider Resolution Number 04-20-13 of the Boca Raton Airport Authority approving Change Order No. 1 to the contract for TASK 28 – Automated Weather Observing System (AWOS) to Hypower, Inc. was made by Mr. Folden, SECONDED by Ms. Budd and approved by all Authority Members present.**

Mr. Folden provided a status report on TASK 29 - Expand Airport Road and Utility Corridor - Airport Monument Sign stating that the bids will be received by the end of April. A full report will be provided in May.

Mr. Folden also provided a follow up to last month's meeting regarding concerns of certain signs at the airport. Mr. Folden presented a full report on an investigation that was performed by the Committee of the current airport signage. All areas of concern were discussed and determined to comply with the Airport Authority's current Sign Standards. Therefore, no action was taken. Mr. Folden requested that the Authority be more diligent in the approval of sign requests. Discussion ensued regarding sunset provisions for requests for signage that have not been fulfilled. Mr. Day stated that Airport Management would research sunset provisions and provide information at the May Authority meeting.

Mr. Freudenberg, chair of the TASK 40 - Customs and Border Protection Facility - Feasibility Study Committee, introduced Ana Santoria, President of Aviation and Trade Solutions, Inc. who provided a status report of the Custom Feasibility Study. Ms. Santoria also introduced sub-consultant Gloria Vender, Managing Principal with Trans-Solutions. Ms. Vender reported on the forecasting study performed regarding the demand for customs utilization at the airport. Discussion ensued.

Ms. Meyers provided a status report on the first reading to amend the Boca Raton Airport Authority's Bylaws. Ms. Meyers stated in March there were proposed amended Bylaws provided for a second reading. There was a motion made that amended the Bylaws that removed an entire section. Based on the amendment, the Bylaws could not be approved and needed to be brought back before the Authority for another first reading in April. Also, during the last meeting there was a motion made to suspend the process of Regulated Contact Disclosure that died for lack of a second. As such, there were no amended Bylaws approved at the March meeting. Therefore, Ms. Meyers stated that the amended Bylaws are now being offered for a first reading. These Bylaws include the original set of amendments previously looked at, plus the removal of the Regulated Contact Form. Discussion ensued regarding a recent discussion that Mr. Benefield had with Ms. Meyers regarding the formality of disclosing the public disclosure of contacts by an Authority Member. Ms. Meyers researched what process other entities follow in regards to disclosing public contacts. As a result, a new form was developed by Ms. Meyers and Mr. Benefield and presented to the Authority for their consideration. Discussion continued regarding replacing the omitted Contact Disclosure Form with the new form provided. Further discussion ensued regarding the procedures for amending the Bylaws.

**A MOTION of the Boca Raton Airport Authority to direct Legal Counsel to amend the Bylaws including the new contact disclosure form to be revised in simple terms and provide the Amended Bylaws including the originally introduced set of amendments to the Authority for a first reading at the May 15, 2013 Authority Meeting was made by Mr. Benefield, SECONDED by Ms. Budd and approved by all Authority Members present.**

Mr. Day provided a status report on the Greater Boca Raton Chamber of Commerce Washington D.C. Fly-In scheduled May 20-22, 2013, and the Florida Airports Council Conference scheduled for July 28-31, 2013. Mr. Day stated that he would like to attend the Greater Boca Raton Chamber of Commerce Washington D.C. Fly-In scheduled May 20-22, 2013 with Mr. Feiler. The purpose of the Fly-In is to meet with fellow business and community leaders to help bring the voice of South Florida's business community to the Congressional Delegation in Washington D.C. An attachment of associated costs was provided.

**A MOTION authorizing the Chair, Mr. Feiler and the Airport Manager to attend the Greater Boca Raton Chamber of Commerce Washington D.C. Fly-In scheduled May 20-22, 2013 was made by Mr. Schwartz, SECONDED by Mr. Carman and approved by all Authority Members present.**

Mr. Day provided a request by Mr. Freudenberg to attend the Florida Airports Council Conference scheduled for July 28-31, 2013 in Orlando, Florida. An attachment of associated costs was provided. Discussion ensued.

**A MOTION authorizing approval for Mr. Freudenberg to attend the Florida Airports Council Conference scheduled for July 28-31, 2013 in Orlando, Florida was made by Ms. Budd, SECONDED by Mr. Folden and approved by all Authority Members present.**

Mr. Benefield provided a status report on the proposed closure of the Boca Raton Airport's Control Tower stating that progress is being made on Capitol Hill. There is a bill in the House and in the Senate that would allow funding through the end of the current fiscal year, September 30, 2013. Mr. Day stated that there are 30 Senate co-sponsors on the Senate bill and the House sponsorship is growing as well. There are currently hearings on Capitol Hill regarding this matter.

Ms. Meyers, Airport Legal Counsel, provided a status report on Litigation against the Federal Aviation Administration (FAA) stating that we are in active litigation and everything that we discuss could be privileged. On April 4, 2013 a letter was sent to the FAA asking for their reconsideration not to close the control tower, asking for a stay. There has been no response from the FAA. On April 5, 2013 a petition was filed in D.C. Circuit court. This petition was immediately transferred to the 9th Circuit in California and consolidated with all other petitions filed. Ms. Meyers stated that she will be the reviewer, editor and arguer of this airport's unique facts as to why the tower should remain open. Ms. Meyers stated that she will enter into a joint litigation agreement with other counsel so that all communication can remain privileged and she will also file a consolidated Joint Agreement for Stay. A decision is needed by June 14, 2013. The joint consolidated Motion to Stay is a request of the court to rule by June 14, 2013. If they are unable to rule by this time, it is requested that the Court Stay the FAA from implementing the June 15, 2013 closure date until the court has a chance to consider and rule on the petitions. The FAA has not prepared their record on appeal and do not anticipate on having a record prepared until April 24, 2013. We cannot draft a brief until we know what they have based their decision on. The FAA has not completed a written safety analysis. They have not conducted their mandated safety assessment. Ms. Meyers stated that she spoke at length with the Deputy Attorney General, Trish Connors, in charge of the litigation team. Ms. Connors understood the issues, petition, briefing schedule and letter to the FAA. The Attorney General's office is reviewing all of our submittals, and understands the urgency and will report back to us as soon as possible. Ms. Meyers requested the Attorney General's office to file an Amicus Brief in support of the Boca Raton Airport Authority's petition.

Ms. Meyers stated the Authority must anticipate that the federal funding will cease and therefore comply with the Procurement Process. Therefore, Ms. Meyers recommends drafting a two part procurement process for air traffic control services. A Request for Qualified applicants will be issued first. The Qualification Evaluation Committee will select pre-qualified vendors which will be asked to submit Requests for Proposals. This will enable the Authority to be prepared if the control tower does close and the Authority decides to fund the continuation of the tower operations.

Lenore Roctel, 828 Forsyth Street, stated there should be no consideration of closing the tower. The community needs the tower for safety, economic reasons, as well as the prestige of Boca Raton. The Authority should not be suing the FAA, should impose fees on the users of the airport in order to fund the continued operation of the tower should the FAA cease funding.

**A MOTION to consider Resolution Number 04-21-13 of the Boca Raton Airport Authority authorizing a two-step procurement process for Air Control Tower Operators for the air control tower at the Boca Raton Airport, including issuance of a Request for Qualifications for the purpose of pre-qualifying contractors and a Request for Proposals for pre-qualified contractors was made by Mr. Schwartz, SECONDED by Mr. Folden and approved by all Authority Members present.**

Mr. Freudenberg stated that the Boca Raton Pilots Association, City Council and Lynn University are looking to the Authority for a clear direction on the status of the control tower. Some tenants are seeking alternate locations at Palm Beach International Airport, residents of the community are speaking of their concern to the city and Lynn University students are seeking education elsewhere. City Council is concerned about the cost share of keeping the tower open. Mr. Freudenberg stated that the Authority should make a concise statement that they will keep the tower open. Mr. Freudenberg stated that the Authority owes it to the community, the state of Florida and the users of the airport. Financially, we can afford it and we need to end the mixed message.

In response to Mr. Freudenberg, Ms. Meyers requested the Authority not engage in discussion about making a statement. Two assertive steps have been made showing the community what the Authority's intention and commitment are by the attempt through the petition to maintain FAA funding. Secondly, by proceeding with the procurement process to find replacement controllers if need be. The only decision is the funding. Discussion will directly counter the position of our petition and be detrimental. Ms. Meyers asked the public to please allow the process to continue to develop both legally and politically.

Mr. Feiler complimented Representative Bill Hagar and all of the Senators and Representatives that have provided their support of this issue. Ms. Meyers also confirmed that the Authority is doing everything that can possibly be done to mitigate this issue, legally or otherwise.

### **AUTHORITY MEMBERS REQUESTS AND REPORTS**

Ms. Budd provided a status report from the Governance Committee stating that the following Contact Disclosure Forms were received: four (4) by Ms. Budd, three (3) by Mr. Schwartz, one (1) by Mr. Folden, and two (2) by Mr. Feiler. Ms. Budd also stated that at this moment we are still bound by our rules of reporting under the current Bylaws. Additionally, Ms. Budd reminded Members of the reasoning and process for filing Contact Disclosure Forms.

### **PUBLIC INPUT**

There was no public input provided.

### **OTHER BUSINESS**

No other business was provided.

### **MISCELLANEOUS**

The next regularly scheduled meeting is Wednesday, May 15, 2013 at 6:00 p.m. in the Boca Raton Council Chambers at City Hall.

**ADJOURNMENT**

Meeting Adjourned at 8:02 pm.

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**Frank Feiler, Chair**

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**Date**