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4 KERRVILLE-KERR COUNTY JOINT AIRPORT BOARD
5 Regular Meeting
6 Monday, February 21, 2011
7 8:30 a.m.
8 Airport Terminal Conference Room
9 1877 Airport Loop Road
10 Kerrville, Texas
11

12 MEMBERS PRESENT: MEMBERS ABSENT:
13 Fred Vogt, Vice-President Stephen King, President
13 Tom Moser Corey Walters
13 Mark Cowden
14

15 AIRPORT BOARD STAFF PRESENT:
15 Bruce McKenzie, Airport Manager
16 Laurie DeJohn-Ermey, Executive Assistant

17 COUNTY STAFF PRESENT:
17 Jonathan Letz, Commissioner Pct. 3
18 Guy Overby, Commissioner Pct. 2
18 Jeannie Hargis, Auditor
19
19 CITY STAFF PRESENT:
20 Mike Erwin, Finance Director
20 Kevin Coleman, Director of Development Services
21 Gordon Browning, Senior Planner

22 VISITORS:
22 Ilse Bailey, Airport attorney
23 Brian Fisher
23 Ronnie Kramer
24 Steve Drane
25

2

1 I N D E X
1 February 21, 2011
2 PAGE

3 CALLED TO ORDER

4 1. VISITORS FORUM -
5 2. DISCUSSION AND POSSIBLE ACTION:
5 2A Monthly financials 3
6 3A Measured flow for improved fire water system 7
7 2C Review of airport zoning 10
8 2B New airport sign 45
9 2D Land lease for George Stieren hangar 49
10 2E Ribbon-cutting date for drainage/taxiway project 54
11 2F Airport minimum standards-rules & regulations 56
12 3. INFORMATION AND DISCUSSION:
13 3B Mooney lease/environmental issue 93

14	3C Master plan	96
15	3D Fuel flowage	97
16	3E Update on Phase II construction project	98
17	3F Declared distances	100
18	4. EXECUTIVE SESSION	---
19	5. ADJOURNMENT	104
20		
21		
22		
23		
24		
25		

1 On Monday, February 21, 2011, at 8:30 a.m., a regular
2 meeting of the Kerrville-Kerr County Joint Airport Board was
3 held in the Airport Terminal Conference Room, Louis Schreiner
4 Field, Kerrville, Texas, and the following proceedings were
5 had in open session:

6 P R O C E E D I N G S

7 MR. VOGT: I'm going to call the Kerrville/Kerr
8 County Joint Airport Board to order. We have a quorum,
9 barely. I -- as I look across the audience, I -- Ronnie, are
10 you here for anything on the agenda, or are you just --

11 MR. KRAMER: No, visitor.

12 MR. VOGT: Anything prior to the meeting? All
13 right, thank you. I'm going to start with Jeannie to discuss
14 the financial.

15 MS. HARGIS: Okay. Page 1 is the balance sheet for
16 the operating account. We have 292,825.97. I was asked a
17 question this morning about the assets, and we are going to
18 add those as soon as the auditor finishes up the audit and
19 blesses the numbers, so we start with the right numbers. On
20 the first page, which is Page 3, we did have to change the
21 revenue. I didn't ask y'all, because this was a clerical
22 error on our part. We doubled up on the salary in both line
23 items. So, you can see in the first column it was 393; it
24 should be 158. In the second column, it should be 147, not
25 210, so that's a total of 306. So, we did make that change,

1 which makes your revenue 532,592. On the second page is your
2 salaries, and on the third page -- actually, Page 5, I want
3 to point out that we did make one other change, because this
4 is where we had it doubled up too under the management
5 contract. We reduced that to 69,472, because we had to put
6 that part of the budget in the salaries, and so we removed
7 that portion that went with the salaries, and so that's the
8 part that's been removed from the 158. So, the total amount
9 of expenses, which you will find on Page 7, is 31,835.20,
10 leaving a negative balance of 16,110.44. We did transfer
11 another \$62,500 in there on the 15th of February.

12 MR. MOSER: Okay.

13 MS. HARGIS: In the capital, we have 267,140.55.
14 On the first page, it just reflects that the revenue side,
15 which is the -- the RAMP grant only, and then the second
16 page, we spent 50,468.75 on the water line through January
17 31. I understand we still have retainage that's due. So,
18 that's where we are. And, of course, we end up with a
19 negative 50,000 because of that money that was transferred
20 last year. Still working off of that. And your capital
21 improvements fund, it pretty much is the same, except for the
22 58,000 as shown under your water line, and that leaves
23 267,140.55. And -- and I tried to send this out a little
24 early, just 'cause Jody was sick; I wasn't sure. I sent it
25 out Thursday morning, so I hope y'all got it.

1 MR. MOSER: Got it, and thank you.
2 MS. HARGIS: And we are sorry for the little
3 clerical error, but I try to go over the financials on a
4 quarterly basis, and realized that the staff double-plugged
5 the salaries in there twice, both in the first line item and
6 in the second line item, so we had to change that.

7 MR. VOGT: Mike, do you have any --
8 MR. ERWIN: No, sir. That was what I was curious
9 about, was just seeing numbers jump from what was approved to
10 what was in January's report to what's in February's report.

11 But with the explanation, that's fine. Other than to state
12 that, as always, when these capital projects wrap up, the
13 City would appreciate getting its half back of whatever's
14 left over, or at least having the discussion prior to use.

15 MR. VOGT: Right. You know, and even -- you know
16 this, but I'll just say it. If it's a federal project that
17 TexDOT is -- a lot of those moneys have to meet -- well, not
18 the moneys, but the money stays in place until they get their
19 final --

20 MR. ERWIN: Yes.

21 MR. VOGT: -- inspections done and F.A.A.'s happy
22 with what they're seeing. And, unfortunately -- maybe it
23 isn't necessarily unfortunate -- they care about if the grass
24 isn't growing, the project's not done, so they stop. They
25 won't close it out.

2-21-11 Airport Board

6

1 MR. ERWIN: Right.

2 MR. VOGT: But we're not -- we're not going to hold
3 it up. As soon as they release the project, we'll release
4 the moneys that -- any moneys that were put into the local
5 match moneys that come back to you.

6 MS. HARGIS: I think the water line money is local
7 money, so --

8 MR. VOGT: It is all local.

9 MS. HARGIS: But there's still retainage to be
10 paid, and there's still some grass and --

11 MR. MCKENZIE: One fire hydrant.

12 MS. HARGIS: One fire hydrant, so they're not ready
13 to close it out. So --

14 MR. VOGT: Okay. Anybody have any more questions
15 for Jeannie? Thank you, Jeannie.

16 MR. MOSER: Accolades to Bruce and company for
17 working within the budget very effectively.

18 MR. MCKENZIE: Thank you.

19 MR. VOGT: We're going to go to new airport sign.
20 Brian's not here.

21 MR. COWDEN: Need a motion to accept the
22 financials?

23 MR. McKENZIE: We need a motion.
24 MR. VOGT: Motion to accept the financials as
25 stated?

2-21-11 Airport Board

7

1 MR. COWDEN: So moved.
2 MR. MOSER: Second.
3 MR. VOGT: Any discussion? All in favor, aye?
4 (The motion carried unanimously, 3-0.)
5 MR. McKENZIE: Brian's not here and Kevin is not
6 here; both are on the way. And -- and Ilse's in the parking
7 lot.

8 MR. VOGT: Okay. But can we talk to the Fire
9 Marshal?

10 MR. McKENZIE: So we can --
11 MR. VOGT: This is under information and
12 discussion, and we're going to -- we're going to go down to
13 3A, measured flow for improved water system. Sir?

14 MR. DUNLAP: Good morning.
15 MR. McKENZIE: Data's in your backup, same thing
16 that the Fire Marshal has.
17 MR. DUNLAP: Right.
18 MR. McKENZIE: Pat Dunlap, by the way. I'm sorry.
19 The Fire Marshal.

20 MR. DUNLAP: On January the 14th, we did flyers out
21 here at two locations on the new water lines, and both
22 locations showed quite an improvement. The -- let me see.
23 The one up by the T-hangars showed the greatest improvement;
24 it was 1,800 gallons per minute. Back over here on the
25 Airport Loop Road, it showed 1,641 gallons per minute.

2-21-11 Airport Board

8

1 Basically, this is critical in your development, because the
2 minimum fire flow required by the city ordinances is 1,500
3 gallons per minute for any type of development. Now, you
4 start getting into the larger areas -- by "larger areas," I
5 mean larger areas of buildings; your hangars, your lease --
6 leased buildings. Then you get into fire sprinkling of those

7 buildings. But depending upon the type of construction,
8 we'll say metal frame, metal building, approximately 27,000
9 square feet of -- of building, you're looking at 1,500
10 gallons per minute of -- of required fire flow. So, you now
11 meet that requirement, so it opens up the doors to your
12 overall building plan and your development out here.
13 It also opens up the doors for being able to lease
14 out -- I believe you have one building over here on Airport
15 Loop Road that you have been trying to lease out. The only
16 thing that I have asked of Bruce is that if he has any
17 potential clients on that particular building, that he
18 contact either the building department or the Fire Marshal's
19 office and let us visit with the client on what they are
20 doing in there, because we can -- we can give them a lot of
21 information, based upon their type of operation, whether they
22 will have to put fire sprinklers, whether they can even do
23 the operation in that building. I mean, obviously, if
24 they're doing, you know, any type of -- of chemical
25 processing in there, we're going to take a little harder look

2-21-11 Airport Board

9

1 at it. But for a -- a one-by-one or a one-to-one comparison,
2 you had a light manufacturing business in there at one time.
3 If you go back in there with a light manufacturing type
4 business, then it's a wash. You -- you can do that without
5 any -- any particular problems. So, the fire flow was of
6 critical interest to the City, as well as to the airport.
7 And we certainly appreciate all the efforts that you have put
8 into it, and getting this up to code to where it can be used
9 and you can continue on with your development. Do you have
10 any questions?

11 MR. MOSER: You -- you show the flow and C

12 pressure, just for interest, because the requirement is 20
13 p.s.i. residual, right?

14 MR. DUNLAP: We show that because you can't -- we
15 have equipment that can pump it down that low.

16 MR. MOSER: Okay.

17 MR. DUNLAP: However, the state -- state

18 requirements say that we should not go any lower than 20
19 p.s.i., so that's what we set our calculations at.

20 MR. MOSER: Okay, good. Okay, thank you. Very
21 good.

22 MR. VOGT: Mr. Dunlap, thank you very much.

23 Appreciate your report.

24 MR. McKENZIE: Appreciate it.

25 MR. MOSER: Yeah.

2-21-11 Airport Board

10

1 MR. VOGT: All right.

2 MR. McKENZIE: Thank you, Pat. Okay, now Kevin and
3 Gordon have arrived.

4 MR. VOGT: I'm glad Kevin's here. We're doing --

5 MR. COLEMAN: Do you want me to stand up?

6 MR. McKENZIE: When you're called. I'm just
7 kidding.

8 MR. VOGT: Kevin, I -- for the record, we're on 2C

9 now, review of the airport zoning.

10 MR. COLEMAN: I will make just kind of a general
11 presentation. I think Bruce has sent you everything that I
12 intend to talk about prior to this. I'll give you guys the
13 big picture, then we'll kind of narrow it down. You guys
14 probably know we are working through a rezoning -- or a
15 redraft of our zoning ordinance. That's going -- 1.2 is back
16 in the summer, early summer, our counsel looked at the zoning
17 Airport Board kind of serving as the advisory committee --
18 Joint Airport Zoning Board. So, with those two things in
19 mind, our committee has worked through a revised use chart
20 that'll be applied eventually to every section of the
21 community; has finished kind of the columns that directly
22 apply to the industrial or heavy industrial uses, and since
23 the airport zone, the A.D. zone, as we call it, in the city's
24 ordinance is largely kind of semi-industrial, -- that maybe
25 is the best term -- it's time for us to kind of look at which

2-21-11 Airport Board

11

1 of these uses we would forward over to the revised airport

2 district, and asking for your guys' input on that as kind of

3 the experts of the field.

4 I do have a couple notes that we're -- what we're

5 not talking about, first off. And, you guys, we've had this

6 conversation before, that there's zoning, and then there's

7 the fact that you own the property. And so I know y'all have

8 your own sets and uses, your own set of guidelines and what

9 can happen on airport property, so we don't have any

10 intention to get involved in what you, as a property owner,

11 want to do with your property. This essentially just sets

12 the guidelines for use at the airport district. The second

13 piece of this is -- is we're not opening the conversation

14 about height restriction or height zoning in this either.

15 This is on-the-ground use, okay, that we're talking about at

16 this point. So, I know we've had conversations about height,

17 and we've had conversation about y'all's role in that.

18 Again, this is about kind of surface use, and the height --

19 whatever restrictions apply to the height today will continue

20 to apply past this, subject to y'all's kind of recommendation

21 and guidance on that.

22 Then, finally, and kind of broad picture, our

23 thoughts from staff and committee is that the airport

24 district -- right now, the airport district applies simply to

25 the airport campus, if you'll let me use that word, or the

2-21-11 Airport Board

12

1 plant; that as areas are annexed adjacent to the airport, it

2 would be a natural assumption that we would apply that

3 airport district zoning to those areas as well. So, that's

4 not the case today. The case today is that the airport

5 district applies only to the airport itself. I left off one

6 piece, and what -- again, I think you guys recognize that the

7 whole -- the airport industrial tract is zoned under what we

8 call a P.D., a planned development, so whatever changes

9 happen to the overall ordinance -- zoning ordinance, the

10 P.D.'s stay in place. They outlive any change to the

11 baseline or the broad ordinance. They're very site-specific

12 and by separate ordinance adopted by the City. So, not just

13 the P.D. across from the airport, but any P.D. throughout the

14 city will survive whatever zoning change may come to pass.
15 I wanted to give you guys a broad overview. In
16 terms of kind of action, we're looking for guidance on how
17 this board would like to be involved in this process. Bruce
18 and I spoke briefly last Wednesday or Tuesday, I think, when
19 we set the agenda item up, long enough to say that we don't
20 really care. From Gordon and I's point of view, we'll sit
21 down with the entire board and kind of go line by line
22 through this chart. We'd sit down with a select few, if the
23 board wanted a select few that wanted to kind of come back
24 and give a general report back at a future meeting. We would
25 like to get, kind of, this underway so that we can get you

2-21-11 Airport Board

13

1 guys full input, full involvement, and full time frame. So,
2 from there, open to questions. Gordon, did I leave anything
3 off on the general part? Okay.

4 MR. VOGT: Kevin, let me go over -- some of this is

5 kind of background stuff, --

6 MR. COLEMAN: You bet.

7 MR. VOGT: -- too. I'm looking at the A.D. as it's
8 depicted here in this chart. Of course, the airport at this
9 -- if this were a perfect world, we could control everything
10 around us. We -- we have land that we're interested in
11 controlling outside the fence line, inside the fence line,
12 and also more particular -- and in particular also would be
13 the approaches to the airport. Those are extremely critical,
14 whether we own the land or control the land, controlling with
15 avigation easements and such. This doesn't necessarily show
16 those approaches in -- into this airport, this A.D. portion
17 of it. So, I'm -- from the Airport Board's perspective, we
18 like -- we would like to overlay that -- those items in --
19 within here. When we start discussing what can be built and
20 what can't be built, for example, when we went -- I went
21 through every one of your -- your -- and it's quite
22 extensive, by the way. I don't think you forgot anything.

23 MR. COLEMAN: No. And, again, I think that was
24 communicated.

25 MR. VOGT: You had funeral parlors, not cemeteries.

2-21-11 Airport Board

14

1 That's good.

2 MR. COLEMAN: Yeah. Just -- I didn't mention that,
3 but so that I will. The final chart that we use, I think,
4 will be way pared down from this one. We've left it broad,
5 because we're not done talking about all 11 eventual
6 districts in the zone, and we don't want to kind of simplify
7 until we are there.

8 MR. VOGT: Okay.

9 MR. COLEMAN: If that makes sense.

10 MR. VOGT: And, again, I don't even know what kind
11 of authority we have. I know F.A.A. requires us to at least
12 keep the approaches clear, and that's where we're going to
13 really focus our time and effort as far as zoning goes.

14 However, having said that, we're not interested in having

15 high-density housing built even close to the approaches or
16 downwind leg of the airport. But we're also -- we're also
17 not in a position to stop development. Now, when I went
18 through this, of course, I put every -- I'd have put

19 everything in a "C," conditional, because I'm assuming

20 when -- when you -- someone wants to build out here and they
21 say dwelling, multi-family, they have this chart and they
22 say, "Well, it's conditional," so therefore they would come
23 to the zoning authority and say, "Well, we really do want to
24 put apartments right at the 180 of -- on the other side of
25 the road here on 27. What's the process from that point on?"

2-21-11 Airport Board

15

1 Since it's conditional, then does this zoning board kick in?

2 I guess how -- how solid are these P's, C's, and) --

3 MR. COLEMAN: Okay. "N.P." is solid; that means
4 none. Not permitted straight across, okay. Permitted means
5 that --

6 MR. VOGT: Is that solid also?

7 MR. COLEMAN: Solid also for the ground use. The
8 height restriction would apply still, kind of overlaid on top

9 of that.

10 MR. VOGT: I understand that.

11 MR. COLEMAN: The conditional -- conditional use
12 permit essentially is a zoning change or a -- a very specific
13 area or -- or property-specific zoning use that's allowed.

14 The -- everywhere but here; everywhere but in the airport

15 district. That process goes essentially through staff

16 review, and then a Planning and Zoning Commission

17 recommendation to Council, and then an outright approval or

18 denial from the City Council, okay? And conditioned by as

19 many and as few conditions as either of those bodies chooses

20 to apply, okay? Out here, in kind of a little bit undefined

21 role of the Airport Zoning Board.

22 MR. VOGT: Right.

23 MR. COLEMAN: The way we're considering that is

24 that prior to going to P & Z -- prior to going to the City's

25 Planning and Zoning Commission, y'all would look at those.

2-21-11 Airport Board

16

1 MR. VOGT: Okay.

2 MR. COLEMAN: Okay? Right now, again, that's --

3 and I think we've had that conversation. And y'all's

4 purview, outside of the airport district, is maybe somewhat

5 flexible.

6 MR. VOGT: Sure. Sure.

7 MR. COLEMAN: Okay. But it's our intent to make

8 sure you guys are in the loop of any conditional use permit

9 that might come through our process; that y'all would be

10 involved, that y'all would have a concern or -- or in your

11 basic area of reach.

12 MR. VOGT: So --

13 COMMISSIONER LETZ: Can I just go back to -- I'm
14 going to the overview, Kevin.

15 MR. COLEMAN: Yeah.

16 COMMISSIONER LETZ: I guess there's some meetings I

17 haven't -- wasn't aware of. It seems that on the airport

18 itself, and maybe you're saying this, that whatever the

19 Airport Zoning Board or Airport Board, whatever you want to

20 call it, the same people, that that's what it is, and it

21 doesn't even have to go -- why does this even go through City
22 Council? The reason I'm bringing it up is because the --
23 this is mandated by the Airport Master Plan. We can't change
24 it, and it has been real clear you can't change it. I mean,
25 if it's in the master plan, we're talking about tens of

2-21-11 Airport Board

17

1 millions of dollars at risk if we start jacking with it. So,
2 I mean, I think that the Airport Master Plan is the plan for
3 the airport, and I think that the City Council -- you know,
4 if they need to do something, just ratify in their minutes
5 that whatever is on the Airport Master Plan is the zoning for
6 the airport.

7 MR. COLEMAN: Now I follow you. And, yes, to some
8 degree -- not really to some degree. I'll flip back to what
9 Fred said, and his notes were, "Let's put a C everywhere,
10 make sure we get to review everything." I'd almost go the
11 other way, and I would permit anything that y'all permit
12 today by owner standards. Again, and I'm using those terms
13 in terms of the use restrictions y'all have in place today on
14 the property you directly control.

15 COMMISSIONER LETZ: Right.

16 MR. COLEMAN: Okay? If we went line-by-line across
17 the existing chart, there would be things that the existing
18 chart allows or conditionally allows that aren't in y'all's
19 covenants to allow on airport property proper. Does that
20 make sense?

21 MR. VOGT: Well, obviously, the "C," though, gives
22 you the -- gives you --

23 MR. COLEMAN: The chance to look.

24 MR. VOGT: -- leeway, room both ways. And the
25 master plan --

2-21-11 Airport Board

18

1 MR. COLEMAN: The "C" also, though, imports, you
2 know, some degree of permission to ask, all right? It does
3 give --

4 MR. VOGT: Well, for example, when I see multi,

5 single-family dwellings, we would never put a single-family
6 dwelling inside the fence line. I mean, when I looked at it
7 at first, I didn't have this chart.

8 MR. COLEMAN: Right.

9 MR. VOGT: I said, "Okay, I understand." If that's
10 county property -- but I understand the relationship with
11 zoning. If they want to build, you know, 5-acre tracts out
12 here and put a house there, as long as it's not in -- you
13 know, in the approach zone, and even if it is in the approach
14 zone, there's some wiggle room there. Not -- not smart to do
15 it, but they could. But -- but on the side of the runway,
16 the 180, say, or at the 90, do you want to put housing there?

17 So -- so what this tells me, since we really aren't going to
18 mess around with the P.D. 0123, we're not even going to have
19 a bite at the apple on that, then maybe the whole
20 discussion -- I can't -- the board can't stop that

21 development anyway, because, --

22 MR. MOSER: Yeah.

23 MR. VOGT: -- I mean -- well, unless you invite us
24 to comment on that.

25 MR. COLEMAN: Right, I follow you. And -- and so

2-21-11 Airport Board

19

1 that you know, if -- and I didn't bring it back and provide
2 to y'all -- there's a very -- almost identical use chart that
3 was adopted with that P.D. that has some conditional uses in
4 it.

5 MR. VOGT: Because of the proximity to the airport?

6 MR. COLEMAN: Because of the proximity to the
7 airport.

8 MR. VOGT: 'Cause it's really at a critical -- if
9 an airplane lands here in a left-hand pattern, is what we
10 have, it's going to fly over that.

11 MR. COLEMAN: And in that ordinance -- and it's not
12 our typical ordinance; I know that. There are a whole number
13 of, even if you're permitted, things you must do to protect
14 that permitted status. But there are uses within that zone
15 that are a conditional nature.

16 MR. VOGT: Okay.
17 MR. COLEMAN: 'Cause folks ought to be able to do
18 them if they don't have negative effects on their airport.
19 That's kind of how we've looked at the conditional use.
20 MR. VOGT: Then I -- I need to go -- I marked every
21 single one.
22 MR. COLEMAN: I got you.
23 MR. VOGT: But I need to go back and have a
24 discussion with the board, and also get back with you,
25 because I -- I was looking sort of outside of the A.D. area

2-21-11 Airport Board

20

1 here that you depicted. Inside this A.D., the Commissioner's
2 right; we have -- on our master plan, that will be industrial
3 areas, and they'll be air side areas, then be land side
4 areas, and -- and it's pretty cut and dried what can go
5 there. We would never put multi-family dwellings. I mean,
6 it just wouldn't be permitted. It would be insane to put
7 that inside the --

8 MR. COLEMAN: I agree, right.

9 MR. VOGT: So -- so with that in mind, my -- I
10 don't know how many of the other board members did, and we'll
11 have to go back with this thing and take a look at it with
12 that.

13 COMMISSIONER LETZ: I guess my concern is from a
14 little bit autonomy and operational standpoint. Say this
15 airport now -- right now, City Council or whoever has to
16 bless it blesses the new Airport Master Plan, essentially
17 what they have to do. And I'm -- that means that's doing a
18 bunch of readings, a bunch of other process over there.
19 Something happens out here, and the Airport Board chooses to
20 make an amendment to that plan. It has to go all the way
21 back through City Council and P & Z before they can do it.
22 We're talking about delaying things for months, and for no
23 reason. It mean, I don't understand why the P & Z just --
24 and/or City Council, I'm not sure who makes these decisions,
25 can't just say the airport inside the fence, it's the Airport

2-21-11 Airport Board

1 Zoning Board's responsibility, period. And it's -- I mean, I
2 don't see why it should be even involved, from a city zoning,
3 because all of a sudden you're having an issue if they're --
4 it certainly isn't the intent from the county standpoint for
5 the City to have to approve that. It's -- our view is it's
6 the Airport Zoning Board.

7 MR. MOSER: Or why have a zoning out here?

8 COMMISSIONER LETZ: Yeah. Why -- I mean,
9 outside --

10 MR. COLEMAN: No, you're -- so we're heading down
11 this path where the zoning, everything --

12 COMMISSIONER LETZ: Inside the fence.

13 MR. COLEMAN: Why have zoning out here? The answer
14 to that is --

15 MR. VOGT: No. No, I didn't say why have zoning.

16 Why have a zoning board for the --

17 MR. COLEMAN: Oh, separate from -- right. Separate
18 from the approval process. So, how that gets codified into a
19 chart is going to be one of two ways. And, really, we're at
20 a baseline decision here. One would be we make every effort
21 to make that detailed chart reflect your master plan, okay?

22 If there's a use on there that's restricted by your master
23 plan, then it should be restricted by your zone chart.

24 MR. VOGT: That's also restricted by F.A.A.,
25 which --

2-21-11 Airport Board

1 MR. COLEMAN: I follow that.
2 MR. VOGT: Especially approaches to that.
3 MR. MOSER: He's not talking about height here,
4 period.

5 MR. COLEMAN: So that falls --

6 MR. VOGT: Could you build -- could you build a
7 sports arena --

8 MR. COLEMAN: Right.

9 MR. VOGT: -- underneath an approach zone? If we
10 don't have a bite at the apple on that outside that fence
11 line, that -- that would not be permitted. And F.A.A. would

12 go insane, but then their power's limited to -- they can't

13 tell -- we don't want to lose the airport.

14 MR. COLEMAN: Right.

15 MR. VOGT: Because, you know, we have a Nascar

16 racetrack built underneath the approach zone to one of the

17 runways. And that happens all over the country. "Oh, look,

18 we built this," and then there's a lot of pressure to remove

19 the airport. So, F.A.A. requires us, under our assurances,

20 that we will control the zoning around there, but it's not

21 just our assurance. It's not -- it's not just the Airport

22 Board's assurance, it's the owners. You're the owner, and

23 the County's the owner. So, we don't want to do that.

24 MR. COLEMAN: Right.

25 MR. VOGT: So it's really incumbent upon you to

2-21-11 Airport Board

23

1 say -- if someone says, "I want to put a high gathering of

2 people underneath this thing," golf courses are okay, but --

3 but a Nascar, you know, racetrack is not okay, 'cause it will

4 restrict the people flying. I'm getting silly, but --

5 MR. COLEMAN: No, I'm following.

6 MR. VOGT: -- just that kind of stuff. What I'm

7 worried about is not so much what the Commissioner brought

8 up; I'm worried about you, the zoning board, listening to a

9 developer who says, "Wow, three phases. We got gas out

10 there; we got this out there. I want to build this right

11 here." And it maybe in conflicts with the -- with the

12 Airport Master Plan. Which one -- which one takes

13 precedence? Which one holds up the most? I would say the

14 master plan for the airport. You can't build something

15 inside this fence line, for example -- I mean the secondary

16 fence line inside the airside area, just because a developer

17 is going to bring -- I don't care how many jobs.

18 MR. COLEMAN: Fair enough. And, really, that's the

19 intent of our whole conversation as we redraft this airport

20 zone.

21 MR. VOGT: Yeah?

22 MR. COLEMAN: It needs to conform with what the

23 master plan --

24 MR. VOGT: Well, maybe the language goes in, and

25 when you guys raise your hand and say, "We adopt this," is to

2-21-11 Airport Board

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1 make sure that the reference to the master plan is -- it's in

2 there in front. That's the gate.

3 MR. COLEMAN: And maybe that's the best way to do

4 this. The fundamental question, though, Jonathan has, if we

5 end up -- we end up with any sort of conditionality in that

6 chart, that that conditionality references the master plan.

7 MR. MOSER: But Jonathan's question is what's

8 even --

9 MR. VOGT: One at a time.

10 MR. MOSER: Even though we want to -- even though

11 we want to change it, the question -- within the A.D. Let's

12 just talk about A.D.; forget about the other stuff for a

13 second. Why do we need to go back to the City and ask for a

14 change if we want to change it? Otherwise, there's no need

15 in having a -- a zoning board out here.

16 COMMISSIONER LETZ: To me, I think -- I mean, the

17 chart -- why can't the chart just say airport, Airport Zoning

18 Board? It's that simple. There's not -- you don't put all

19 the little letters on the chart for the airport; it's just

20 one letter for the whole -- everything that's --

21 MR. MOSER: I'm with you.

22 MR. VOGT: That's why I said put everything a "C."

23 MR. MOSER: No. No, just put nothing.

24 MR. VOGT: I'm just trying to help the City out

25 here. I'm not --

2-21-11 Airport Board

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1 MR. MOSER: No, but there's still the fundamental

2 question of why --

3 MR. COLEMAN: You have -- we have to zone it

4 something.

5 COMMISSIONER LETZ: Zone it airport. The Airport

6 Master Plan.

7 MR. COLEMAN: Then Fred would be right; then that's
8 the path. Then every potential use would have a
9 conditionality behind it. That's "C."

10 MR. VOGT: I also understand, Kevin, that you have
11 a responsibility, not just with zoning of what you put there;
12 it's how it's built, what kind of materials and all that.
13 And in our minimum standards, we reference the fact that if
14 you're going to build that hangar, it's got to meet city
15 codes, and that's the -- I don't know if that's called zoning
16 or not, but I think it's a piece of it.

17 COMMISSIONER LETZ: No argument about that. Yes,
18 we want to have -- everything has to be built to city codes.

19 MR. MOSER: Here's the analogy. If the A.D. were a
20 different city, okay? It's kind of like -- that's the way
21 the airport's set up right now; it's kind of a different
22 city, even though the owners are the city -- or the city and
23 the county. Why -- why should City 1 go into City 2 and say
24 what the -- what the restrictions are, or the zone?

25 MR. COLEMAN: Well, the flat-out answer is that you

2-21-11 Airport Board

26

1 don't have the authority that the city has. You don't.

2 And --

3 MR. MOSER: Well, why do we have --

4 MR. COLEMAN: As owner, you got more -- as owner,
5 you are the controller of the dirt.

6 MR. MOSER: Why do we have a zoning board, then?

7 MR. COLEMAN: In terms of --

8 MR. MOSER: Why do we have a zoning board --

9 MR. COLEMAN: You have a zoning board the Council
10 has adopted.

11 MR. MOSER: -- here?

12 MR. COLEMAN: Again, if part of this conversation

13 is about streamlining and codifying what the zoning board is
14 about, then we need to have that conversation. That's not --
15 that's not the case today. The zoning board has, at best,
16 advisory authority back to the P & Z.

17 MR. MOSER: So it's just advisory?

18 COMMISSIONER LETZ: But that's -- is that on the

19 airport or outside the airport?
20 MR. COLEMAN: No, on the airport. As owner, you
21 have infinite control.
22 MR. VOGT: We're not the owner, Kevin, all right?
23 MR. MOSER: As the operator. As the operator.
24 MR. VOGT: No, that's really clear. It's the
25 County's airport and it's the City's airport. They're the

2-21-11 Airport Board

27

1 owners under -- under whatever federal regulation, whatever
2 you --
3 MR. COLEMAN: Right.
4 MR. VOGT: I'm going to just move this a little
5 bit.
6 MR. COLEMAN: Fair enough.
7 MR. VOGT: There are assurances, I'm sure one of
8 the 33 that Mike Hayes and -- and now Rob have agreed that
9 the City and the County will follow. Every time you take a
10 nickel of federal money, there's somewhere in there that says
11 you're not going to do anything. You're not going to do
12 something on this airport that will jeopardize this airport
13 with respect to building something on it. Right away, that
14 seems to be the gatekeeper, to me, to stop the development.
15 If you come to us and say, "We got -- we got a guy that wants
16 to build whatever-whatever out here," and it doesn't fit, go
17 back to the master plan minimum standards and these
18 assurances. I don't think you can do it. I don't think --
19 even if you guys agree to do it, I don't believe, under
20 F.A.A. regulations, you -- those assurances that you agreed
21 to, that you'll be able to do it. So -- and I think our --
22 our job right now is to make sure you see those kind of
23 regulations, that you understand all those. I don't --
24 Ilse's here, but I don't -- the City Attorney's not. I just
25 -- those things are there, and they look at those things when

2-21-11 Airport Board

28

1 there's conflicts like that. So, maybe that's -- maybe that
2 is the gatekeeper, Kevin. And not like Tom is saying, like

3 the Commissioner is saying. Somebody says, "I want to build
4 this out here," and you guys agree to it and we don't have a
5 bite at that apple, other than saying, since we're advisory,
6 we took your advice, note it and then press on, and we're
7 going to build -- or we're going to build a waste treatment
8 plant out here where we want to put a runway extension. So
9 how do we do that? What's the next step in this process? I
10 know this is a process we're talking about.

11 MR. COLEMAN: It is a process. So -- Bruce, I'm
12 sorry. You asked me last week how long this would take, and
13 my answer truly was however long y'all want it to take.

14 MR. VOGT: Well, we --
15 MR. COLEMAN: But -- but, really, I think
16 fundamentally, what we need to decide is, are we going to
17 bring airport zoning into conformance with the master plan?
18 Okay? And I think everybody --

19 MR. VOGT: Sure.
20 MR. COLEMAN: And then fundamentally, there's two
21 paths to do that. One is to draft the use chart very
22 specifically, so that it's very specifically in conformance
23 with the master plan, okay, line by line.

24 MR. VOGT: We can do that.
25 MR. COLEMAN: Or to go the path that you're

2-21-11 Airport Board

29

1 semi-recommending is disallow whatever -- what needs to be
2 disallowed, but make everything else conditional.
3 MR. VOGT: Well, I don't know that they're mutually
4 exclusive.

5 MR. COLEMAN: And they may not be. I follow you.
6 MR. VOGT: I agree that we need to make this
7 conform to the master plan, and including the approaches.

8 MR. COLEMAN: Right.
9 MR. VOGT: And then -- then the City Council and
10 the Court -- the Commissioners Court sees what this footprint
11 really looks like. And -- and then, you know, there's an
12 agreement, 'cause they are going to adopt -- adopt this, or
13 adopt this saying they're going to have to agree to the

14 master plan. The Council and the Commissioners Court are
15 going to have to agree to it. It's not just --

16 MR. COLEMAN: Right.

17 MR. VOGT: They're the owners.

18 MR. COLEMAN: I follow.

19 MR. VOGT: So once they do that, I think that's

20 going to solve most of our problems. It won't solve any

21 problems outside that -- outside that fence line out there,

22 because I'm --

23 COMMISSIONER OVERBY: I am very concerned about

24 what's -- what you want to build on some of these items here

25 that -- that will affect this airport, will affect it because

2-21-11 Airport Board

30

1 people won't want the noise, or they won't like this or that.

2 MR. COLEMAN: I follow.

3 COMMISSIONER OVERBY: Multi-family developments and

4 all that other kind of stuff.

5 MR. COLEMAN: Okay.

6 COMMISSIONER OVERBY: But beyond that, we're

7 fighting another battle, and that's a second battle.

8 MR. COLEMAN: Right. And so I did leave off a

9 piece of this whole conversation. Maybe the most important

10 piece of this whole conversation is that the existing zoning

11 today doesn't match your existing master plan. I'm 90, 95

12 percent sure it won't match your future master plan.

13 COMMISSIONER LETZ: Right.

14 MR. COLEMAN: So we got to do --

15 MR. VOGT: Right.

16 MR. COLEMAN: We have a conflict, and so the

17 conversation is, if we got it, how to fix the conflict. And

18 that conflict can be fixed one of two ways -- well, there's

19 multiple derivatives, but really there's two. One is to make

20 the chart match exactly what the master plan says, and if

21 that's the case, then every time the master plan changes,

22 you're changing the chart. You're right.

23 COMMISSIONER LETZ: I'm --

24 MR. COLEMAN: Or add a degree of conditionality to

25 it, and define within that conditionality a role for the

1 Airport Board and the approval of those conditional use

2 permits. That -- really, I don't know that it's any --

3 MR. VOGT: What about two?

4 MR. MOSER: Jonathan's got a question.

5 COMMISSIONER LETZ: Kevin, I guess the question I

6 have, you're exactly bringing up my point. I would almost

7 guarantee that the current zoning for the airport at one

8 point matched exactly the master plan.

9 MR. COLEMAN: Really? I would not guarantee that,

10 but go ahead.

11 COMMISSIONER LETZ: How did they come up with it

12 originally?

13 MR. BROWNING: I wouldn't guarantee that either.

14 MR. COLEMAN: At some point, they meshed.

15 COMMISSIONER LETZ: And they did it because, you

16 know, the City does these major changes, thank goodness.

17 MR. COLEMAN: No.

18 COMMISSIONER LETZ: Twenty years or 10 years or

19 however often y'all do these big, you know, zoning changes.

20 And I think that it's critical that the airport not get

21 caught up in that.

22 MR. COLEMAN: Right.

23 COMMISSIONER LETZ: I don't know why the city

24 zoning ordinance can't just refer to the Airport Master Plan

25 for the zoning, subject to some limitations, if there needs

1 to be some limitations.

2 MR. COLEMAN: That's a question beyond me. It

3 would be a question --

4 COMMISSIONER LETZ: It would be a similar --

5 MS. BAILEY: Two things that are important to me

6 are, number one, that we don't create legislation or rules

7 that require that kind of constant changing and making sure

8 that we change this, because it never works. Somebody drops

9 the ball.

10 MR. COLEMAN: Right, somebody drops your ball.
11 MS. BAILEY: I get close to that, just from a
12 drafting point of view. Secondly, I think it's real
13 important that we not set this up so that we're just adding
14 another layer of regulation. I mean, it seems to me like if
15 we have a zoning board here, we got a zoning board in the
16 city, both of those have the same authority and -- and
17 processes. Then we go, "In the city we do this, and in the
18 airport we do this," and then they both have their appeals to
19 the City Council, all that. But I think it's -- we don't --
20 we don't need another layer of regulation, and if that's
21 going to be the case, then why do we even need the Airport
22 Zoning Board?

23 MR. COLEMAN: Is that generally -- I see three
24 heads nodding.

25 MR. VOGT: Yes, I'm fine with that. We're fine --

2-21-11 Airport Board

33

1 I guess we're fine.
2 MR. MOSER: That was the question a while ago.
3 MR. COLEMAN: Yeah.
4 MR. VOGT: Yeah. We're two to three months away
5 from having an ALP, Airport Layout Plan, which is a piece of
6 the master plan, something else in the master, and will
7 actually refer to zoning. So we're not ready, Kevin, to, you
8 know, throw this document in front of you. If we -- we
9 just -- we're months away from that.

10 MR. COLEMAN: Right.
11 MR. VOGT: Not years away.
12 MR. COLEMAN: No, you're right. And so just -- you
13 know, the timing of this conversation is really triggered by
14 our zoning committee has finished with what it's going to do
15 in terms of the use chart on -- on industrial and light
16 industrial area.

17 MR. VOGT: We don't want you to be finished with
18 that, Kevin, 'cause --
19 MR. COLEMAN: It's now time to kind of fold those
20 over to the airport district, okay?

21 MR. VOGT: Okay.
22 MR. COLEMAN: And, I mean, as recent as last -- two
23 weeks ago, they completed their work on that chart, so I
24 wanted to get it to you guys as soon as I could, okay?
25 Acknowledging that y'all are going through the master plan

2-21-11 Airport Board

34

1 process, and knowing that there is this disconnect. As
2 certain as I am that there's a disconnect between current
3 zoning and current master plan, I'm more certain that there
4 will be a disconnect between that chart and your future
5 master plan, and it's just time to bring those into harmony.
6 And whether that's -- you know, again, I'm -- I'm fairly
7 simple in mine, and it is one of two ways. And luckily,
8 maybe, in this world it's not really up to me; it's up to me
9 to make that recommendation to Council, but you're at the
10 meeting. And I'm -- Bruce, you were at the meeting when
11 Council talked about this zoning board piece, and after some
12 conversation over a couple of meetings, really reached a
13 non-decision point where, yes, they want you to serve as the
14 role of the Airport Zoning Board, but then didn't give that
15 any definition, --

16 MR. VOGT: Mm-hmm.

17 MR. COLEMAN: -- all right, of what that role is.
18 So, I think it's time to make that definition within -- and
19 fold that into this conversation. I agree, to some -- if
20 everybody's on page that that's the rules we're playing by,
21 that the airport or the A.D. district review body for
22 conditional use permits is the Airport Board, not our P & Z,
23 then I -- I think that's probably a healthy change, okay?
24 The second --

25 MR. MOSER: Well --

2-21-11 Airport Board

35

1 MR. COLEMAN: Final approval, I don't think our
2 Council can -- I don't think they'll -- even if they wanted
3 to, I don't think they can vacate actual zoning authority to
4 y'all. The final say has to come to them, okay? They can't

5 vacate zoning authority to the P & Z, so I'm assuming by that
6 assumption they can't vacate zoning authority to anybody, all
7 right? They will end up being the final piece of this.
8 We're all playing by -- and in my five years, only one
9 instance did our Council overrule, if you will, our
10 recommendation from our P & Z. That was after about a month
11 of kind of conversation back between Council and P & Z and
12 the developer that we kind of --

13 MR. VOGT: Could we get a reading from Mike on how
14 he views most of what you just said with respect to these
15 airport assurances? Because they would -- there's a good
16 tendency that there's going to be a conflict here. The
17 federal government and TexDOT Aviation, who right now is
18 running that portion of F.A.A., they may expect one thing,
19 and maybe they expect not to have any veto or -- and push by
20 you to impose a property or business on an airport. And --
21 and how do we stop -- not necessarily how we stop it. Do
22 they actually have the right to -- Mike, do they have the
23 right, based on these assurances, these F.A.A. assurances --
24 does that zoning board and the Council actually have the
25 right to -- to put this piece of business on an airport that

2-21-11 Airport Board

36

1 may be in conflict with the -- with the intent of this
2 airport?
3 MR. COLEMAN: You bet. And I can give you -- well,
4 let me not give you what I think Mike will say, because he's
5 given me his opinion before, but let me get that very
6 specific question to him and kind of weigh in. But I think
7 what he'll say is the job here is to finish the master plan
8 and adopt zoning that strictly conforms with the master plan.

9 MR. VOGT: Yes, I agree. That will be fine.

10 MR. COLEMAN: If we change the zoning -- and,
11 again, there's that level of timeline. If the plan changes,
12 change the zoning. In our world, the timeline means
13 intentionality.

14 MR. VOGT: We're moving maybe not as slow -- excuse
15 me, not as fast as you want.

16 MR. COLEMAN: Oh, no.

17 MR. VOGT: But, Kevin, we'll have this -- we're not
18 just thinking about master planning in the next year. This
19 master plan is in place right now, working, and it's going
20 to -- it has a -- it has a perk chart already set up for it.

21 I don't know exactly what piece the zoning is in, but it's
22 very soon, "very soon" being less than six months.

23 MR. COLEMAN: Less than six months, good.

24 MR. VOGT: So if you can live with that, and then
25 we'll have -- 'cause this may be -- this argument may be a

2-21-11 Airport Board

37

1 waste of time, because you'll look at that and say, "Well, we
2 can live with that."

3 MR. COLEMAN: Right. No, I follow you. Okay, let
4 me get that opinion from Mike, and I'll share it back to
5 y'all through Bruce, and we'll go from there.

6 COMMISSIONER LETZ: I would just -- I don't know,
7 Ilse or Bruce or somebody, it'd be interesting to see if this
8 conflict -- obviously, this isn't the first airport that's
9 located in the city limits. You know --

10 MR. MOSER: Right.

11 COMMISSIONER LETZ: And I would be very interested
12 to see how other general aviation airports are handling this.

13 Sugarland's -- I mean, all of them are in cities, and they're
14 all in the county, city, or some kind of rules. Because, you
15 know, I always thought they were pretty autonomous, but maybe
16 they're not. But to me, the inside the fence question is
17 easier. The tougher question is what goes outside the fence.

18 And Fred's got -- you know, talked about this. I think that
19 has been something that I know for the last 10 years I've
20 been very concerned about, and it came up a little bit when
21 they did the rock quarry across the road last time you and I
22 had talked about it a little bit. But I think that there
23 really needs to -- some thought go into, from City staff
24 standpoint and Airport Board standpoint, and really, I guess,
25 the County standpoint a little bit as to how that all works

2-21-11 Airport Board

38

1 together, because it is absolutely critical that that zoning
2 all work together. There needs to be some kind of a process
3 to create that to make sure that P & Z cannot do anything in
4 this area without Airport Board or Airport Zoning Board
5 agreeing -- you know, at least having input into it. And I
6 think if there's a conflict, it needs to go straight to
7 Council. I think -- I don't think P & Z should be allowed to
8 solve that. And Commissioners are out of it, I guess,
9 because we don't have any zoning authority, and we just -- so
10 our input would be at the same meeting, I guess, or something
11 like that. But I think that's really an important issue.

12 MR. MOSER: That's probably the most germane point.

13 COMMISSIONER LETZ: Inside the fence. 'Cause
14 inside the fence, the reality is going to probably be the way
15 it is, P & Z's going to pretty much let Airport Board or
16 Airport Zoning Board do stuff inside the fence, but outside
17 is where the huge risk is.

18 MR. VOGT: Well, that's how we started this
19 conversation. 'Cause I never even considered that you'd be
20 worried about anything inside the fence line. But -- but I
21 am worried --

22 MR. COLEMAN: Back to Bruce's -- that's the
23 shortest conversation.

24 MR. VOGT: And let us help you -- let us help you,
25 because we can do just what the Commissioner mentioned. This

2-21-11 Airport Board

39

1 consultant deals with a zillion general aviation airports all
2 over the country, and let him come up with something.
3 'Cause, you know, we don't want another housing development
4 over here in P.D. 0123. We like it; it's got one house
5 there, and they're fine. And maybe it's industrial; I don't
6 know. But -- but we'll -- we'll have him take a look at
7 that. And I'm not so sure -- I don't even know how far out
8 we would have to go. I'd say 10 miles around the airport, we
9 ought to have total control over what goes on. That's
10 stupid, but in fact, we'll ask the consultants.

11 COMMISSIONER OVERBY: Good luck.

12 MR. VOGT: I know that. I know that. No, and most
13 of the stuff is just high-density.

14 MR. COLEMAN: That won't go by City Hall.

15 MR. VOGT: I know. I can just imagine -- I'd love
16 to be at that meeting. But let us -- let us put him to work
17 on that, Kevin, and we'll get that answer, --

18 MR. COLEMAN: Okay.

19 MR. VOGT: -- what's typical in the general
20 aviation world. We're not making something up that you guys
21 can't live with. This is what they all live with.

22 MR. COLEMAN: Very good.

23 MR. VOGT: All right.

24 MR. MOSER: Kevin, the -- the areas that are not
25 enclosed in heavy red lines, those are just not in the city?

2-21-11 Airport Board

40

1 MR. COLEMAN: Those are unincorporated. Now, that
2 map is not up to -- that map is not up-to-date to the
3 incorporated map. Y'all know we've annexed the U.S.D.A.
4 property.

5 MR. MOSER: Yeah, but that's not in the plan on
6 here.

7 MR. COLEMAN: It's there.

8 MR. MOSER: So --

9 MR. COLEMAN: And it came in zoned also under P.D.,
10 very specific to their very specific use.

11 MR. MOSER: So that's the answer on that, so
12 there's no control in this area.

13 MR. COWDEN: Well, ETJ, you've got --

14 MR. COLEMAN: There's no zoning in the ETJ.

15 MR. MCKENZIE: Wait just a second.

16 MR. COLEMAN: Except for height.

17 MR. MCKENZIE: Wait a minute. Scott Bryan from
18 TexDOT was in my office last week, and he acquires land all
19 over the state. He's the head procurer of property for
20 airports. And he gave me the photograph and the pictures and
21 the diagrams, and this property right here that you're
22 referring to, Tom, we do own that. He bought this land, and
23 it's in the City's name. He's got all the documentation.

24 That's for our RSA, to keep us out of the runway safety. So,
25 to answer your question, Tom, directly, that red should go

2-21-11 Airport Board

41

1 back to this red -- to this line.

2 MR. MOSER: Okay.

3 MR. McKENZIE: We own that property right there.

4 They bought it. TexDOT acquired it for us, and across the
5 road here, there's a house right here. We bought that too,
6 so nobody can build anything right over here. So, this is --

7 MR. MOSER: So, we really need to --

8 MR. McKENZIE: This is ours.

9 MR. MOSER: -- update this, then, because that just
10 stands out.

11 MR. McKENZIE: I've got the pictures.

12 MR. MOSER: We're talking about all this other
13 stuff.

14 MR. McKENZIE: This is going to be in the master
15 plan as well, 'cause I've already talked to Chris in Oklahoma
16 City about this. He's incorporating this within the master
17 plan.

18 COMMISSIONER LETZ: Dave Pearce bought it.

19 MR. McKENZIE: It was about five years ago, is when
20 Scott bought it, 'cause he had everything. He said, "I
21 bought that," and he showed it to me. And he put it in the
22 City's name, because the City and the County own the airport.
23 He said, "We had to put it in somebody's name." But the
24 issue was just what Fred and Tom were talking about, about
25 you have to protect your approaches. So, they bought all

2-21-11 Airport Board

42

1 this.

2 COMMISSIONER LETZ: I remember they bought that
3 house.

4 MR. McKENZIE: It's done. So that's all done.

5 About five years ago, Gordon. It's done.

6 COMMISSIONER OVERBY: We've got 25 --

7 MR. VOGT: One at a time, please.

8 MR. COLEMAN: That's amazing, Bruce.
9 COMMISSIONER OVERBY: Is the red line -- is this Al
10 Mooney Road, as far as it being directed right here? 'Cause
11 KEDF, the former entity, has 25 acres right on this other
12 side. I'm sure it's in this white area right here. So --
13 I'm just curious about that.

14 MR. McKENZIE: Back over here.
15 COMMISSIONER OVERBY: That's back over here?
16 MR. McKENZIE: This is what TexDOT bought.
17 MR. COLEMAN: The approach area that they bought.
18 COMMISSIONER OVERBY: U.S.D.A.'s over here, but the
19 other -- what I'm saying is, they own still 25 acres where
20 the Al Mooney Road is, and the park. Okay.
21 MS. HARGIS: Bill was still there; you were not
22 there. If Ilse was there when this happened, you and I were
23 not there. 'Cause she wasn't there when I came.
24 MR. COLEMAN: Thank you for clarifying out loud.
25 MR. VOGT: Okay. Well, that was quite a review.

2-21-11 Airport Board

43

1 MR. COLEMAN: But that's great. But the question,
2 then, would be, it's time to bring those properties into the
3 city, figure out the annexation path to that and extend, I
4 assume, the airport zoning to it.

5 MS. BAILEY: I'm going to ask you a question. I
6 may have missed this earlier. One sheet of land uses that
7 shows various permitted and not permitted uses, how is that
8 compared to this? Is this the current and this is proposed?

9 MR. COLEMAN: Other way around. That's the
10 proposed; that's the current.

11 MS. BAILEY: Current, and this is proposed.

12 MR. MOSER: This is A.D.

13 MS. BAILEY: This has A.D. on it too. That's what
14 I was wondering.

15 MR. COLEMAN: The long one is the proposed. And,
16 Ilse, you know, as we kind of work through our current zoning
17 ordinance, the only way you make any sense out of that column
18 use is further back to about 32 pages of definitions and

19 sub-definitions.

20 MS. BAILEY: I was just concerned because there are

21 conflicts between the proposed --

22 MR. COLEMAN: Yeah, and they're intentional.

23 Right, yeah.

24 MS. BAILEY: Okay.

25 MR. COLEMAN: There are changes, yes, ma'am. Good.

2-21-11 Airport Board

44

1 Okay.

2 MR. VOGT: I don't think we have any action to

3 take, other than this was a review, and we got some questions

4 we've given Kevin. But we are interested, Kevin.

5 MR. COLEMAN: Good. Well, again, our intent is to

6 keep you in the loop of what we're doing. And, Bruce, I know

7 you'll share whatever your consultants pass on going forward.

8 And I want to stress, at least from the committee's point of

9 view, they don't want to see anything from us that y'all

10 haven't blessed, okay? That's our -- our direction from our

11 zoning committee, is you guys are the pros at the airport;

12 they're going to defer to you to their recommendation going

13 forward. So, again, as quick as we can put this together,

14 the kind of shared timeline. We're doing some fairly minor

15 -- moderate changes to our zoning ordinance here in the next

16 few months that have no effect out in this area. No effect

17 other than -- yeah, no effect in this area out here. We

18 don't foresee coming forward with kind of this broad rezoning

19 map, at least in that six-month window, so we're working off

20 this same general timeline.

21 MR. VOGT: All right.

22 MR. COLEMAN: And better not leave anything else

23 out? Other than we need to look at that property very

24 specifically that the City owns that's not annexed.

25 MR. VOGT: All right. Thank you, Kevin.

2-21-11 Airport Board

45

1 MR. COLEMAN: Thank y'all for your time.

2 MR. MCKENZIE: Appreciate it.

3 MR. COLEMAN: You bet.
4 MR. VOGT: All right. 2D --
5 MR. MCKENZIE: Brian's here now. The airport sign,
6 2B.
7 MR. VOGT: Okay. I was going to go to land lease.
8 MR. MOSER: 2B.
9 MR. VOGT: New airport sign. Brian Fisher.
10 MR. FISHER: Yes.
11 MR. MCKENZIE: I asked Brian to come in and just --
12 we have another graphic of the sign here that y'all have seen
13 several times, but Brian's going to answer the question you
14 had last month about the size of the lettering, what they're
15 made out of, and how that's going to work. We can go ahead
16 and move forward with this as soon as we get our 7460
17 cleared. So, Brian, I'll turn it over to you to show them
18 the size of the letters.

19 MR. FISHER: Well, this was an old question; I
20 think it was already answered. This is the material. We
21 upgraded it to an 080 aluminum, so this backing will be the
22 aluminum. The plates that go on top of it with the different
23 names are also going to be the 080 aluminum, which is pretty
24 sturdy. And so if you had any questions on that, I brought a
25 piece of that just in case. But one issue that I -- I'll

2-21-11 Airport Board

46

1 stand up here -- is the letter height. This would be -- on
2 your sign drawing, this is the letter height, 6-inch-tall
3 letters. That -- that shows what the individual blanks would
4 be like that. And I think one of the things was, "Well, why
5 don't we make them 8 inches tall?" And we can do that. I
6 did a sample on the other side of 8-inch-tall letters. We
7 still only have this much room, and so they'll be taller, but
8 they'll be more compressed.

9 MR. MOSER: One of our questions was last time,
10 what is the -- the typical thing that TexDOT uses?
11 MR. FISHER: As far --
12 MR. MOSER: To be able to read a sign going 45
13 miles an hour as you approach this location.
14 MR. FISHER: They go by distance. A 6-inch letter

15 can be read at 150 feet. Maximum impact for a half-inch

16 letter is 90 feet. In other words, for to it jump out and --

17 and scream at people, 90 feet away. And --

18 MR. MOSER: Okay.

19 MR. FISHER: -- driving down the road where the

20 sign placement is, there's not going to be a point, really,

21 where you're going to be further than 90 feet away that you

22 -- that you, you know, would need to see the sign.

23 MR. MOSER: So --

24 MR. FISHER: So it's not necessary to go bigger.

25 MR. MOSER: So --

2-21-11 Airport Board

47

1 MR. COWDEN: Six-inch letters is adequate?

2 MR. MOSER: So it'll be compatible with --

3 MR. FISHER: Yeah.

4 MR. MOSER: -- road signs, 6-inch?

5 MR. FISHER: Six-inch letters is compatible.

6 MR. MOSER: Okay.

7 MR. FISHER: And very readable.

8 MR. MOSER: Sure looks like.

9 MR. McKENZIE: Turn it over. The one --

10 MR. COWDEN: That's better, because it's not so

11 jammed up.

12 MR. McKENZIE: That's it.

13 COMMISSIONER OVERBY: My eyes feel a whole lot more

14 comfortable looking at 6-inch.

15 MR. McKENZIE: Doesn't that look better?

16 COMMISSIONER OVERBY: Eight-inch looks too compact.

17 That's --

18 MR. McKENZIE: That looks better. That's what

19 you're recommending?

20 MR. FISHER: I recommend six, because people

21 read -- they don't read the letter; they read the space

22 around it. It's -- it's kind of weird. But if you reverse

23 colors and do all that stuff, it -- they read the letter --

24 the space around it. So, if you don't have ample space, it

25 looks jumbled and it confuses.

1 MR. McKENZIE: Other side's better. That's better,

2 don't you think?

3 MR. FISHER: So, that's what our recommendation for

4 the letter was, so it isn't as compressed. And this is the

5 longest line currently on the sign.

6 MR. McKENZIE: Okay, great.

7 MR. FISHER: And any other questions you had?

8 MR. COWDEN: That was Corey's big concern, wasn't

9 it, six inches?

10 MR. VOGT: Right, that was the question.

11 MR. MOSER: Right, and could you read it going 45

12 miles an hour in sufficient time. So --

13 MR. McKENZIE: That was the question.

14 MR. VOGT: Do we make a motion --

15 MR. McKENZIE: Need a motion to approve it so I can

16 go ahead and build it once the 7460 comes back.

17 MR. VOGT: Do I hear a motion?

18 MR. MOSER: I'll so move.

19 MR. VOGT: Motion to approve it.

20 MR. COWDEN: Second.

21 MR. VOGT: Any more discussion? All in favor, aye?

22 (The motion carried by unanimous vote, 3-0.)

23 MR. VOGT: Three-zero. Thank you.

24 MR. FISHER: All right.

25 MR. VOGT: Thank you for the education.

1 MR. FISHER: Okay.

2 MR. McKENZIE: Appreciate it. We really appreciate

3 it.

4 MR. FISHER: No problem. Thank you, guys.

5 MR. VOGT: All right. 2D, land lease.

6 MR. McKENZIE: This is the George Stieren land

7 lease. The board approved it, and I just put that on here so

8 -- and Ilse can tell you, we're done with it. What we're

9 going to recommend, I think, when she gets through is that

10 you go ahead and approve this contingent upon the 7460, but
11 I'll let Ilse take it from here.
12 MS. BAILEY: Yeah, that's what we're recommending.
13 This is a lease that is pretty much identical to the other
14 ground leases that we've done for people on the airport.
15 Just some of the changes, of course, the rent, 3.02 on Page
16 2, is based on a newer Consumer Price Index than some of the
17 older ones, but it -- it has the same formula, which is that
18 you take the Consumer Price Index as the base, times the base
19 rent, and then it goes -- the rent goes up and down annual --
20 well, it goes up and down periodically with the changes in
21 the C.P.I., but it doesn't ever go below the current lease
22 rent. One of the things I changed in here, and it's really
23 to the benefit of the lessee, I think, is that originally, we
24 said the base rate would be such and such, and it would
25 change periodically depending on the C.P.I., but I didn't say

2-21-11 Airport Board

50

1 periodically how often. So, I felt like that wasn't really
2 fair to the lessee because it implied, anyway, that we could,
3 every three months, change it. So, I put in there that it
4 would be changed periodically, not more often than once a
5 year, which I think is fair.

6 MR. MOSER: Yeah, that sounds reasonable.

7 MS. BAILEY: Otherwise, I don't really think there
8 are any big changes. Do you recall any? So, that's what
9 we're recommending.

10 MR. COWDEN: Term -- what's the term on this?

11 We're trying to standardize all these?

12 MS. BAILEY: It's the same -- is it 20 years?

13 MR. MCKENZIE: Twenty and two fives, I think. It's
14 in there.

15 MS. DEJOHN-ERMEY: It's 20 years with two fives.

16 MS. BAILEY: Twenty years with an option --

17 MR. MCKENZIE: Two fives. That's pretty standard.
18 Sometimes guys take a 20 with a 10. He wanted -- he wanted
19 two fives.

20 MS. BAILEY: So that we don't have to bring this

21 back to the board again after we get the F.A.A. -- what is

22 it?

23 MR. McKENZIE: 7460 approval.

24 MS. BAILEY: What I'd like you to do is, if you're

25 in agreement with the lease, approve it subject to obtaining

2-21-11 Airport Board

51

1 that F.A.A. form, and then as soon as we get it, he can start

2 building his -- his hangar. The other thing that I -- I did

3 in the back, we didn't have a metes and bounds description.

4 I don't think it's really necessary on the airport any more,

5 since we don't really have things described by metes and

6 bounds, but I have listed in the Exhibit A not only the

7 number of square feet of the land, identifying it verbally,

8 but also then we added the picture of where he's going to be

9 leasing out of Tract 5B.

10 MR. McKENZIE: Right.

11 MS. BAILEY: So we're going to attach it.

12 MR. COWDEN: That's the corrected one? Didn't we

13 have one --

14 MR. McKENZIE: It moved it over this way, and we

15 still need to move it a little bit further this way so we got

16 adequate room to put another hangar right here.

17 MS. BAILEY: If we do move it, we'll ask that we

18 get a new picture. And when we actually execute the lease,

19 it will be the current --

20 MR. COWDEN: Exactly.

21 COMMISSIONER OVERBY: Is there enough land there to

22 actually do another hangar of that size?

23 MR. McKENZIE: Exactly like it.

24 COMMISSIONER OVERBY: That's great. Good.

25 MR. McKENZIE: I've got a bite on one of those now,

2-21-11 Airport Board

52

1 too.

2 COMMISSIONER OVERBY: Good. That's groovy.

3 MR. VOGT: Do I hear a motion to approve the

4 lease -- I'm sorry, Ilse.

5 MS. BAILEY: I think there was a mistake in -- yes,

6 there's a mistake in here that I actually have fixed. I
7 don't know --
8 MR. COWDEN: We don't have it.
9 MR. MOSER: We don't have it.
10 MS. BAILEY: I originally put the amount a month --
11 the rent per month, and it's actually per year, and then you
12 divide it out. But I think --
13 MR. McKENZIE: You corrected it on mine that you
14 sent.

15 MS. BAILEY: The one that you've got is corrected.
16 The one I have here is not correct.
17 MR. ERWIN: What is the rent?
18 MS. BAILEY: Eighteen cents a square foot.
19 MR. McKENZIE: Eighteen cents a square foot; ends
20 up being about \$450 a month.
21 MS. BAILEY: 29,915 square feet at 18 cents per
22 square foot.
23 MR. MOSER: Which is the current --
24 MR. McKENZIE: Standard rate, yes, sir, here at our
25 airport now.

2-21-11 Airport Board

53

1 MR. VOGT: Did you catch that, Mike, that that's
2 the standard rate?
3 MR. ERWIN: Yes.
4 MR. VOGT: We're not abating; we're not increasing,
5 just applying what's typical.
6 MR. ERWIN: Yes.
7 COMMISSIONER OVERBY: What is that annually again?
8 MS. BAILEY: Annually, it's \$5,384.70. Comes out
9 to 400-something a month.
10 MR. VOGT: Ilse, do you have anything else?
11 MS. BAILEY: No, that's it.
12 MR. VOGT: Do I hear a motion to approve the thing
13 based on the 7 -- F.A.A. Form 7460?
14 MR. COWDEN: So moved.
15 MR. MOSER: Second.
16 MR. VOGT: Any more discussion? All in favor, aye?

17 (The motion carried by unanimous vote, 3-0.)
18 MS. HARGIS: Make sure we've got a copy of that in
19 our office when you get it all done.
20 MR. MCKENZIE: Sure, absolutely.
21 MR. MOSER: When do you think he'd start
22 construction? Assuming -- after he gets approval of the
23 7460?
24 MR. MCKENZIE: He's ready to go right now. Let's
25 be realistic and say probably 90 days.

2-21-11 Airport Board

54

1 MR. MOSER: Okay.
2 MR. MCKENZIE: Before that 7460 comes back.
3 MR. MOSER: Oh, I see.
4 MS. BAILEY: The lease requires that he start
5 construction within 90 days.
6 MR. MCKENZIE: We told him to start within 60 days.
7 MS. BAILEY: Within 60 days, right.
8 MR. MCKENZIE: We stipulated that he's got to start
9 within 60 days, and then complete it within 180.
10 COMMISSIONER OVERBY: Six months to complete it?
11 Okay.
12 MR. MCKENZIE: Yes, sir.
13 MR. MOSER: Okay, good.
14 MR. VOGT: All right. 2E, ribbon cutting date for
15 drainage/taxiway project.
16 MR. MCKENZIE: I visited with TexDOT Aviation, and
17 they are all good with June 1 of this year, which is on a
18 Wednesday. And more importantly than that, the state
19 director, Dave Fulton, told me he was available that day, and
20 he would like to come. So, if it's all right with the board,
21 I'd like to set a date certain of June 1 of this year for our
22 little ceremony here.
23 MR. MOSER: Okay. But it's not really a ribbon
24 cutting.
25 MR. MCKENZIE: I didn't know how to -- what to put

2-21-11 Airport Board

55

1 on there. We're just going to have a little celebration,
2 have everybody that's involved --
3 MS. BAILEY: Grand opening.
4 MR. MCKENZIE: Grand opening.
5 MR. MOSER: How about "Cleared for Takeoff"?
6 MS. BAILEY: I like that.
7 MR. MOSER: Or "Cleared to Taxi" or something.
8 MR. VOGT: Clear to taxi.
9 MR. MCKENZIE: To recognize that, and I invited
10 everybody in the TexDOT office, and I know they won't all
11 come, but I'm sure that what they can get in that King Air
12 will be here, and that's eight folks. So, we should get --

13 COMMISSIONER OVERBY: What's the date and time of
14 that, that you're looking at?

15 MR. MCKENZIE: We'll probably do it 10:30 in the
16 morning.

17 COMMISSIONER OVERBY: All right.

18 MR. VOGT: 1 June.

19 MR. MCKENZIE: 1 June at 10:30.

20 COMMISSIONER OVERBY: What day is that?

21 MR. MCKENZIE: Wednesday.

22 COMMISSIONER OVERBY: Thank you.

23 MR. MCKENZIE: If that's all right with the board.

24 I don't know if you need a notion.

25 MR. VOGT: No.

2-21-11 Airport Board

56

1 MR. MCKENZIE: I need to know if it's okay for

2 the --

3 MR. MOSER: Cool.

4 MR. MCKENZIE: Okay, done.

5 MR. VOGT: All right.

6 MR. MCKENZIE: Thank you.

7 MR. VOGT: 2F. We thought zoning was going to be

8 long. 2F, airport minimum standards, rules and regulations.

9 Last meeting, it was the board's desire to go over our

10 minimum standards. I asked Bruce after that meeting to

11 identify an area he felt we should attack first, since the

12 minimum standards are quite lengthy. He picked -- well, he

13 should have picked the airport regulations. There's 20-some
14 pages of it. My intent today, since I'm chairing this, is to
15 go to exhaustion here. We can finish it up or we can quit
16 halfway through. Doesn't make any difference. There's no
17 timeline that we firm up rules and regulations. There are --
18 this is the meat of our minimum standards, though. So,
19 knowing that you all went through it and made changes or --
20 or suggestions, at least, my intent is to go to Page 1 and --
21 and flip through the pages.

22 MR. MOSER: Well, let's see. So, what you're

23 saying is you and Bruce have gone through this?

24 MR. VOGT: Well, I went --

25 MR. MOSER: Because I didn't go back through it.

2-21-11 Airport Board

57

1 MR. VOGT: No, I went -- okay. We -- we actually
2 were going to do this really as a work project during the
3 meeting. That was at least what I understood.

4 MR. MOSER: Okay.

5 MR. VOGT: And we sent it out to you early so you
6 could look through it, and if you had any -- I know --

7 MR. COWDEN: I sped-read it. I sped-read it.

8 MR. MOSER: Okay.

9 MR. MCKENZIE: Sped-read?

10 MR. VOGT: I did a little more than speed-read it,
11 so why don't I go over the areas that I have changes or
12 discussion items, and then if you can look below and above it
13 and see if there's any other areas. Unfortunately, I -- when
14 you send these things as a -- I can't change -- I don't know
15 how this came in.

16 MR. COWDEN: Whatever changes you make, sure.

17 MR. VOGT: Yeah, in a Word document, so I have
18 to -- okay. What -- I guess looking at --

19 MR. COWDEN: Jonathan has a question.

20 MR. VOGT: Contractor's attorneys is under
21 Subset (f).

22 COMMISSIONER LETZ: I thought you were going to
23 start on Page 1.

24 MR. VOGT: Well, I know, but I can't even find Page

25 1 on this.

2-21-11 Airport Board

58

1 MR. MOSER: Says it starts with Page 27.

2 MR. VOGT: Yeah, there is no Page 1.

3 COMMISSIONER LETZ: Well, Page 27, I had a question

4 on Page 27. Can I ask my question?

5 MR. VOGT: Go ahead. Do you have a question?

6 COMMISSIONER LETZ: Well, under conflicting laws,

7 under (a), the last sentence goes, the provision that

8 establishes the higher standard for the protection of health

9 and safety of the public shall prevail. That is a real

10 difficult thing as to what is a higher standard. We get into

11 it all the time. It's one of the problems we had when we --

12 on the ETJ agreement with the City. What's a higher

13 standard, curb and gutter or 60 feet wide? I have no idea.

14 I don't think anyone -- it'd take a court of law to decide

15 what's a higher standard. And I think the important point

16 goes back to what Fred said. To me, the higher standard's

17 F.A.A., 'cause they're the ones that, if we violate it, you

18 know -- you know, I think they need to trump City and County

19 authority when it comes to some of that stuff. I mean,

20 depends on what it is, of course. But, I mean, F.A.A. is --

21 you know, I don't want to come out and say publicly that the

22 federal rules should apply over us, but reality is they do.

23 They trump city, the state and county and municipal law. So,

24 I think that it's -- you know, we might want to look at that

25 language and kind of try to clarify exactly what happens if

2-21-11 Airport Board

59

1 there's a conflict, because there could very easily be a

2 conflict, depending on how the airport zoning ends up

3 handling between what the master plan says and where the

4 P & Z is, or the zoning is. And right now, there's a

5 conflict between those two, obviously, I mean, from what

6 Kevin said. Which is -- so we need to figure out a way to

7 make sure that if there's a conflict, the airport's

8 protected, and I don't think "higher standard" gets us there.

9 MR. VOGT: I'm going to guess that the last portion
10 of that sentence saying, "for protection of health and safety
11 of the public shall prevail," that everything previous to
12 that is not in conflict with that, and F.A.A. would not be in
13 conflict with that either.

14 COMMISSIONER LETZ: Well, but it's health and
15 safety. I mean, I don't mind having the health and safety in
16 there, but I think it's -- 'cause I think you have to do
17 that.

18 MS. BAILEY: I think Jonathan's point is that there
19 could be conflicting regulations within -- neither regulation
20 impacts health or safety, but they still --

21 COMMISSIONER LETZ: Financial, is what I'm
22 thinking.

23 MR. VOGT: Well, I'm -- this is -- these are all
24 "if's," by the way. Just, "Oh, by the way..." Nobody sat
25 down. I was talking to Roger Bobertz last week, and he said,

2-21-11 Airport Board

60

1 "Well, two of us sat down, but we lifted everything out of
2 existing minimum standards." And there's lots of templates
3 out there from TexDOT Aviation that they like to see in
4 minimum standards, so we don't run -- again, we can look at
5 that and see if there's a better way of saying it with
6 respect to F.A.A. prevails in cases where there is conflict.

7 But remember where we're at, airport rules and regulations.
8 The minimum -- this is only one section of minimum standards,
9 and they're just referring to the regulations of how you
10 store gasoline, where you park aircraft. I think it's -- I
11 think it's distilled down, Jonathan, to a point where maybe
12 that -- maybe that beginning paragraph will fit under the --
13 under airport rules and regulations, not necessarily with the
14 whole volume of -- of what we call minimum standards. Does
15 that make any sense?

16 COMMISSIONER LETZ: Mm-hmm.

17 MR. VOGT: Because anything in here really refers
18 to pretty common sense stuff. The way that -- when we park
19 airplanes, for example, that they have to be parked within a

20 certain orientation, whatever else. I don't -- in fact,
21 going back to health, safety, fire codes and such, we -- we
22 have an example already from this water main project, that
23 the Fire Marshal and Fire Chief says you have to do this.

24 COMMISSIONER LETZ: Right.

25 MR. VOGT: And that -- that's a very good example.

2-21-11 Airport Board

61

1 So, I don't think F.A.A. -- we would not be in conflict with
2 F.A.A.; they would expect you to follow -- would want you to
3 follow the local fire codes. And I think that's really
4 what --

5 COMMISSIONER LETZ: Right, there's not a conflict
6 there, in my mind. I mean, fire codes -- I'm just -- you
7 know, it's just the "higher standard" language is what --
8 it's all that -- that's just made for lawyers.

9 MR. MOSER: So, what has been your experience in
10 changing "higher standard" to some other delineation?

11 COMMISSIONER LETZ: I haven't come up with a good
12 solution. (Laughter.)

13 MR. MOSER: Okay.

14 COMMISSIONER LETZ: I know I don't like it.

15 MR. MOSER: You thought maybe we would?

16 MR. VOGT: Well, unless -- and I'll say unless you
17 have any other ideas on how to word that, with the caveat
18 that there's a -- there's a risk out there that once we start
19 changing that thing, the stuff starts unraveling here, just
20 -- just for the drill of it, I'd just as soon keep it.

21 MS. BAILEY: Just leave it the way it is. I think
22 if we can't come up with something better, just leave it that
23 way. I have a -- on the second page, on Page 28, Subsection
24 (f), 3A.07, Airport Manager may be represented by the
25 contractor's attorney.

2-21-11 Airport Board

62

1 MR. VOGT: In fact, that was my first one. I was
2 looking for contractor. What is that?

3 MS. BAILEY: That used to be because -- we should

4 just change it to the Airport Board's attorney, because it
5 used to be the board didn't have its own attorney, so it was
6 the contractor who managed the airport, which was at that
7 time the City. But we just change it to Airport Board.

8 MR. MOSER: Which section was that?

9 MR. VOGT: It's on page --

10 MS. BAILEY: Section (f).

11 MR. VOGT: (f).

12 MR. COWDEN: Second page, (f), on the --

13 COMMISSIONER OVERBY: 28.

14 MR. MOSER: Okay.

15 MR. VOGT: That was my first red mark, was

16 "contractor," 'cause I didn't know what that meant.

17 MR. MCKENZIE: Flip it one page.

18 MR. VOGT: Maybe this is still when we were

19 advisory only.

20 MS. BAILEY: Yes, that's exactly right. That's

21 what it was.

22 MR. VOGT: Okay. So, next -- the next item I have

23 marked here under Aircraft Parking, (c), Any person who parks

24 an aircraft in a transient aircraft parking and storage area

25 shall remit -- I wrote down there "to the Airport Manager or

2-21-11 Airport Board

63

1 F.B.O." -- any applicable transient parking fees as approved

2 by the Airport Board. Maybe this is just education, but

3 we've leased that property out to Joey, the ramp area. He

4 charges a tie-down fee; is that correct?

5 MR. MCKENZIE: He does only if you don't buy fuel.

6 If you buy fuel, he does not charge you to tie down

7 overnight.

8 MS. BAILEY: I would suggest that you put, after

9 Airport Manager, "or his designee." Because that way, if we

10 lease it out, then we've designated him as the person to

11 receive that, and --

12 MR. VOGT: His designee.

13 MS. BAILEY: -- presumably made some kind of

14 agreement with him about whether he keeps it or gives us back

15 some part of that. That doesn't need to be part of these

16 rules.

17 MR. VOGT: And then continuing on, (d) -- following
18 (d), "shall be moved..." This is about aircraft parking in
19 violation of this section. Airport Manager, at the owner's
20 expense --

21 MS. BAILEY: I looked up (f).

22 MR. VOGT: And then I have, The City/County shall
23 not be liable for damages that may result from relocation of
24 the aircraft. Do we want to include the board?

25 MS. BAILEY: Absolutely, yeah.

2-21-11 Airport Board

64

1 MR. VOGT: Okay. City/County, owners -- why can't
2 we refer to City/County? They are the owners -- airport
3 owners, and the Airport Board.

4 MS. BAILEY: Neither the owners nor the Airport
5 Board shall be liable.

6 MR. VOGT: Did you get that, Bruce?

7 MR. MCKENZIE: Yeah.

8 MR. VOGT: Okay. Okay. My next -- all right.

9 I've made a number of changes to patio hangars. Are we
10 ever --

11 MR. COWDEN: We don't have any patio hangars.

12 MR. VOGT: I know. So, Ronnie's here; maybe Ronnie
13 wants patio hangars later on, but we don't have any more.

14 Are we ever going to have patio hangars again?

15 MR. MCKENZIE: Not in the foreseeable future. I
16 don't think Ronnie wants to build any more.

17 MR. KRAMER: No.

18 MR. VOGT: Okay. So, as we go through here, just
19 delete all references to patio hangars, and just call them
20 hangars.

21 MR. MCKENZIE: Thank you.

22 MR. VOGT: In fact, if I were doing this new, I
23 would have never designated patio hangars. A hangar,
24 whatever the description of a hangar is.

25 MS. BAILEY: Just take "patio" out altogether.

1 MR. COWDEN: That's on Page 31 a couple times, too.

2 MR. VOGT: Yeah, it's all over.

3 MR. MOSER: Need to do a word search and take them
4 out.

5 MR. VOGT: I apologize, and I'm going over here --

6 oh, 2; it's under parking. I have on here, I just -- parking
7 of non-aircraft vehicles. Now, let's find out --

8 MR. MOSER: Where are you?

9 MR. VOGT: I know, I didn't say. Para. 2.

10 MR. COWDEN: Okay, top of 30. Parking, Number 2.

11 MR. VOGT: Top of 30.

12 MR. COWDEN: Top of Page 30. Parking, Number 2,
13 parking of non --

14 MR. VOGT: Right, okay. We don't have such a
15 thing. We don't issue -- this, again, is up for discussion.

16 We don't issue parking stickers here at the airport. Have we
17 ever?

18 MR. McKENZIE: No, sir.

19 MR. VOGT: The issue --

20 MR. McKENZIE: Not to my knowledge, and not since
21 I've been here.

22 MR. VOGT: Okay. Then I don't know what value this
23 is in our --

24 MR. MOSER: So delete it.

25 MR. VOGT: All right. So, parking of non-aircraft

1 vehicles that display a valid airport vehicle permit, we'll

2 just take that out.

3 MR. MOSER: Just eliminate that. Okay.

4 MR. VOGT: Again, there's a reference to patio
5 hangars.

6 MR. MOSER: But they're going to -- on number --
7 Number 2 under (b).

8 MR. VOGT: 2 under (b).

9 MR. MOSER: Which is, "Where no personnel exit is
10 provided, the sliding hangar doors..." How about just,

11 "hangar doors shall be remain open"? Since we're not going
12 to have just sliding hangar doors?

13 MR. VOGT: Could have bi-folds.

14 MR. MOSER: So let's just say hangar doors -- take
15 the word "sliding" out.

16 MR. McKENZIE: Page 30.

17 MR. VOGT: I'm at -- yeah.

18 MR. McKENZIE: 2, take the word "sliding" out.

19 MR. MOSER: But we eliminated 2 -- Paragraph 2
20 above.

21 MR. McKENZIE: Paragraph 2 above that, knock that
22 out.

23 MS. BAILEY: Okay.

24 MR. VOGT: All right. And now I'm to Section
25 3A.10, Aircraft T-hangars. Excuse me. On that section --

2-21-11 Airport Board

67

1 3A.11, patio hangars, I'm sorry. Then Number 1, I took that
2 first sentence out. "Storage and parking of the aircraft
3 listed on the Aircraft Storage Permit," whatever the heck
4 that is, "if any, for that patio hangar and tie-down
5 permittee." I don't even know what -- so what I would
6 suggest is that it start out, "Aircraft will be parked in a
7 manner as to be completely contained within the aircraft
8 parking lot and not obstructing adjacent..." -- et cetera,
9 et cetera.

10 MR. MOSER: All right. Just eliminate the first
11 sentence?

12 MR. VOGT: Yeah. Next one is on 3A.14, Airside
13 Roads. What it says now, airside roads shall be only used by
14 authorized vehicles, which include all the airport
15 administration vehicles -- that can be fuel trucks and other
16 vehicles -- with prior written approval from the Airport
17 Manager. Our airport -- I'm okay with leaving this in. This
18 is actually what we're doing. We allow traffic all up and
19 down our ramp area. Whoever wants to drive on it gets to
20 drive on it.

21 MR. MOSER: How about just say, "with approval of

22 the Airport Manager"? Not say "written."
23 MR. VOGT: I'm okay with that. Is that --
24 MR. McKENZIE: Yes.
25 MR. MOSER: That's the way we're operating today.

2-21-11 Airport Board

68

1 Just take "written" out.
2 MR. VOGT: Just take "written" out, all right.
3 Passenger loading -- no, terminal gate positions, 3A.16.
4 "Terminal gate positions, if any, shall only be used for
5 parking..." Do we have terminal gate positions on this
6 airport?

7 MR. McKENZIE: No, sir.
8 MR. VOGT: That's a problem when you lift stuff out
9 of other documents, and --

10 MR. MOSER: Right.
11 MR. VOGT: -- all of a sudden, we're a commercial
12 service. Unless you consider -- now, before you say take it
13 out, unless, when a larger jet comes in with 10 passengers,
14 you park them in an area that you could construe that to be
15 the terminal gate position. Because later on, you talk about
16 you shouldn't -- you shouldn't encumber them as far as what's
17 parked around them so they have access and all that. Do you
18 -- do you want to designate an area here as a terminal --

19 MR. McKENZIE: No, because we use the entire 7
20 acres of this apron to park. Depends on the -- it depends on
21 the aircraft and what type it is, and obviously the size. We
22 put a lot of big aircraft down by the fuel -- self-service
23 fuel.

24 MR. VOGT: Well, if you take it out, then you're
25 talking about a maximum of two hours. So, when -- when

2-21-11 Airport Board

69

1 somebody comes in here in their -- their Ten and parks it
2 over here, you're allowing them unrestricted parking in that
3 area, or --
4 MR. McKENZIE: Okay, here's what you're doing.
5 Under the FBO's contract, he's responsible for managing the

6 ramp. So, the two-hour issue would be covered under that
7 designation. They park them where they know they will --
8 they plan ahead during the day, 'cause they know what
9 aircraft are coming in.

10 MR. MOSER: And they're not restricted to two
11 hours.

12 MR. McKENZIE: Not restricted to two hours, and
13 they can move them.

14 MR. MOSER: Leave the title there; just take the
15 whole paragraph out, and just put "not applicable" so in the
16 future we don't forget it if we ever put -- have airport
17 terminal gates.

18 MR. VOGT: So, you want to delete the verbiage
19 under 3A.16?

20 MR. McKENZIE: Let's leave that section.

21 MR. MOSER: Leave the section, just put "N/A."
22 Right now, it's not applicable.

23 MR. McKENZIE: Because it is -- the ramp is
24 managed.

25 MR. MOSER: Right.

2-21-11 Airport Board

70

1 MR. VOGT: All right. Smoking.

2 MR. McKENZIE: Wait a minute. Hang on just a
3 second, I'm sorry. The last sentence, when it says,
4 "additionally, no person shall repair an aircraft...," that
5 is germane to this. We --
6 MR. MOSER: Oh.
7 MR. McKENZIE: Because I've had large aircraft pull
8 up out here, and they try to work on them right here. And we
9 -- I've asked them to move, and they have. Because then they
10 block everything up right in front of the terminal.

11 MR. MOSER: That's why it's in here. We can keep
12 that in there.

13 MR. McKENZIE: I think the last sentence, we need
14 to --

15 MR. VOGT: Everything out here is a terminal gate
16 position. Although we don't -- we don't actually number
17 them, and we don't actually --

18 MR. MOSER: How about if we just take the word

19 "gate" out? Just say "terminal position."

20 MR. VOGT: Okay.

21 MR. McKENZIE: That's a good idea.

22 MR. VOGT: Just take -- call them "terminal

23 positions."

24 MR. McKENZIE: Leave the rest of this in here.

25 MR. MOSER: Okay.

2-21-11 Airport Board

71

1 MR. McKENZIE: Unless we don't take the part about

2 "in writing" --

3 MR. COWDEN: Take the "in writing" out.

4 MR. McKENZIE: Is that okay, Ilse?

5 MS. BAILEY: Yes.

6 MR. McKENZIE: Take that out?

7 MR. MOSER: Yeah, that will do it.

8 MS. BAILEY: On 3A.17, I would suggest that you add

9 in "or ordinance" after "prohibited by law." Because we have

10 a lot of -- since we have city ordinances related to smoking.

11 MR. VOGT: Well, I was going to suggest something

12 else. And maybe this -- maybe I'm -- why do we allow smoking

13 on the ramp, anyway? There's not a military base in the

14 country that allows you to smoke on an airport ramp.

15 MR. McKENZIE: I concur.

16 MR. VOGT: For a lot of reasons. So you're not out

17 there with a tape figuring out whether you're 50 feet or 48

18 feet. But -- but I'm -- Ronnie, is that -- I mean, does that

19 make sense or not? I mean, there are a lot of people working

20 around there with cigarettes.

21 MR. McKENZIE: There are smokers here. But they

22 smoke this side of the -- in the building or out in the

23 front. Every once in a while, I'll catch somebody out here,

24 but very seldom.

25 MR. VOGT: But if they're within 51 feet of an

2-21-11 Airport Board

72

1 airplane, they're okay. But I don't know that -- we're the

2 board; we can change this if we want. No smoking in the ramp

3 area?

4 MR. MCKENZIE: I like that as well.

5 MR. MOSER: I do too.

6 MR. MCKENZIE: I like that as well.

7 MR. VOGT: It's a lot easier for you; you won't get

8 in an argument. "Well, I'm not that close to the airplane."

9 MR. MCKENZIE: In the ramp area, that's better.

10 Good call.

11 COMMISSIONER OVERBY: That's a good idea.

12 MR. VOGT: No smoking will be permitted on the ramp

13 area. You actually have the authority to make anything a

14 no-smoking area according to this, but if we just say no

15 smoking on the ramp area --

16 MR. MCKENZIE: Fuel storage area.

17 MS. BAILEY: I'm not familiar enough with this to

18 know, but wouldn't you want to also still leave in so that it

19 would say, "No smoking shall be permitted within the ramp

20 area, 50 feet of an aircraft, fuel truck or fuel storage

21 area," so forth and so on. And then say, "where smoking is

22 prohibited by law or ordinance."

23 MR. VOGT: So, you're saying you could smoke inside

24 the hangar. As long as the hangar's big, 51 feet, then you

25 can have a cigarette.

2-21-11 Airport Board

73

1 MS. BAILEY: That's what I'm not sure -- if you've

2 got hangars, and the aircraft is in the hangar, is that a

3 ramp area? So you still need to say that you can't smoke

4 within 50 feet of that aircraft. Although that would be a

5 pretty big hangar, I realize.

6 MR. MOSER: Say you can't smoke in the aircraft.

7 MS. BAILEY: Or in hangars.

8 MR. MOSER: How about in the aircraft?

9 MR. VOGT: Hangar's going to be a different story,

10 you know, 'cause you lease those hangars out. And where --

11 where do your guys smoke, Ronnie?

12 MR. KRAMER: In the office. In the office, only

13 area.

14 MR. VOGT: Maybe what Ilse's saying is that we
15 could say on the ramp area and within -- not within 50 feet,
16 all that rest of that verbiage still in there. Because then
17 the office area is not within 50 feet -- could be, but
18 there's a wall. I mean, that -- it's implied if they're in a
19 different room. Is that okay?

20 MS. BAILEY: I think so.

21 MR. VOGT: All right. Section 3A.20(c). Aircraft
22 owner shall notify the Airport Manager at least one hour in
23 advance of any technical specialist performing maintenance
24 services on any aircraft. That's probably never happened.

25 And what is the purpose of that? Is that to keep --

2-21-11 Airport Board

74

1 MR. MCKENZIE: Keep a tailgate mechanic from coming
2 down here and working on an aircraft. And that's very
3 salient to this point, because I had that happen last week.

4 MR. VOGT: All right.

5 MR. MCKENZIE: Right there. Yeah, and I had to
6 stop it, and I had to -- and I had to put that in writing,
7 'cause I got challenged on it.

8 MS. BAILEY: So, it was good that this was in
9 there.

10 MR. MCKENZIE: I didn't refer to this. There's
11 another section in here that specifically relates to this
12 more directly. But, I mean, yeah, we need to leave it,
13 because that keeps these fly-by-night guys from coming in
14 here.

15 MR. VOGT: I got it. I just wanted to make sure.

16 MR. MCKENZIE: They got no insurance; they got
17 nothing.

18 MR. VOGT: There's other provisions in the minimum
19 standards?

20 MR. MCKENZIE: That's right, and that's what I
21 referred to.

22 MR. VOGT: They have to have a license and they
23 can't -- okay. The next one I have marked is 3A.26,
24 Commercial Photography. "No person shall take still, motion,

25 or sound pictures, including digital images of or at the

2-21-11 Airport Board

75

1 airport, for commercial purposes without first receiving
2 written approval from the Airport Manager and paying any
3 applicable fees."

4 MR. MCKENZIE: It's a public facility. You can
5 take --

6 MR. VOGT: I don't know that we've ever had a fee
7 structure for -- and if there is, how much would it cost to
8 take a picture of the -- of the Cessna Ten?

9 MR. MCKENZIE: People take pictures all the time.
10 MR. MOSER: Yeah, everybody's got a cell phone;
11 that's a digital image.

12 MR. VOGT: This is commercial, though. That is
13 somebody doing a photo -- photo spread on the airport.

14 MR. MOSER: Yeah.

15 MR. MCKENZIE: Well, we can take the word "written"
16 out of that as well.

17 MR. VOGT: I was --

18 MR. MCKENZIE: If you would like.

19 MR. VOGT: Well, I definitely don't think it should
20 be written, and I don't know if there's any fees associated.
21 I just think you ought to be aware of what's going on at the
22 airport, so we can leave the paragraph in there and just take
23 out the written stuff, and the -- without notification of the
24 Airport Manager and the fees. There's no fees.

25 MS. BAILEY: Well, I'd suggest what it say is "any

2-21-11 Airport Board

76

1 applicable." That way if we adopt fees, we don't have to
2 change the rules.

3 MR. VOGT: All right.

4 MS. BAILEY: And if someone wants to come make a
5 movie that's a commercial movie, and there's an issue of they
6 want to use the airport, and the board says, "Yeah, but we
7 want to charge you \$10,000, 'cause you're going to do this,
8 that, and the other," then --

9 MR. MOSER: It's covered.
10 MS. BAILEY: -- it's in there. It's covered. I
11 think we got to leave it in.
12 MR. McKENZIE: So, leave it alone.
13 MS. BAILEY: We'll leave "any applicable fees" in.
14 MR. COWDEN: Can we back up? Just a quick question
15 on 3A.25, model aircraft, kites, fireworks.
16 MR. VOGT: Right.
17 MR. COWDEN: Let's see. It says no fireworks,
18 laser, aircraft within 5 miles of the airport. You know,
19 they -- I don't know about 5 miles, but, you know, there's a
20 model -- there's a model airplane club out by --
21 MR. McKENZIE: By the landfill.
22 MR. MOSER: It's closer than 5 miles.
23 MR. DRANE: When this went in there, that was one
24 of the ones I took exception to. I went over -- it's, like,
25 3.8 nautical miles north.

2-21-11 Airport Board

77

1 MR. McKENZIE: Right there.
2 MR. DRANE: Yeah, right. Right that way. It's the
3 model airplane, where it's been designated.
4 MS. BAILEY: I questioned that when they were
5 adopting it -- or amending it, I guess, in '05, and Ron told
6 me that it's an F.A.A. rule, so that we're just -- we're just
7 acknowledging an F.A.A. rule. I don't know that, 'cause I
8 don't know the F.A.A. rules.
9 MR. VOGT: Why don't we check on that? And I don't
10 like "criteria," but F.A.A. regulations, and find out whether
11 there is a 5-mile limitation. I wouldn't doubt that it's an
12 F.A.A. --
13 MR. DRANE: I took a D.P.S. over there. It's,
14 like, 3.8 or 3.9 miles.
15 MR. VOGT: Don't do that.
16 MR. MOSER: Who enforces it?
17 MR. McKENZIE: If it is, how do we --
18 MS. BAILEY: Exactly. How do we have the authority
19 to enforce what somebody --

20 MR. VOGT: Well, do you want -- the point is, if
21 somebody comes in downwind or upwind and they hit a model
22 airplane, and we don't have this in here, the fact --
23 MR. DRANE: They're violating an F.A.A. regulation.
24 That's why this thing stated F.A.A. criteria; it's to check
25 and to see if there is --

2-21-11 Airport Board

78

1 MR. COWDEN: We don't have to do anything.
2 MR. MOSER: Then it's null and void.
3 MR. VOGT: This is a C.Y.A.
4 MR. MOSER: No, wait, but there's something bigger
5 than that. If we put a restriction in here like that, and we
6 don't enforce it --
7 MS. BAILEY: Consciously disregard it.
8 MR. MOSER: Yeah, you consciously disregard it,
9 doesn't that say that you can't enforce anything?
10 MS. BAILEY: Well, no. It says that that reg --
11 that particular regulation can't be enforced. But, for
12 instance, if this is an F.A.A. regulation, and we do know
13 that the model airplane people are 3.8 miles away --
14 MR. VOGT: Send them a letter.
15 MS. BAILEY: I was going to say, I think within our
16 due diligence, we would need to say, "Oh, by the way, guys,
17 just let us know when you're going to be flying and how
18 you're going to be flying."
19 MR. MOSER: They're not going to do that.
20 MS. BAILEY: But if we've done our due diligence,
21 then we're covered.
22 MR. VOGT: That's putting a burden on them, which
23 is good. Then they've been notified by the letter, and
24 you're --
25 MR. MOSER: But then you approve it, and you -- I

2-21-11 Airport Board

79

1 fly kites at my house, and it's less than 5 miles from here.
2 MR. MCKENZIE: Many years ago, when I was at the
3 City, -- and I was there 10 and a half years, and this was

4 way back then -- the City Council approved letting those guys
5 fly those model airplanes at that location, and that was
6 probably '98 or '99-ish. 'Cause that was a big deal. It was
7 in the paper; I remember that.

8 MS. BAILEY: Mm-hmm.

9 MR. MCKENZIE: And they gave them permission or
10 designated that particular area, just so you know. So, if
11 this comes back and this is -- is the rule, like what you
12 said, what do we do?

13 MR. MOSER: It's a conflict.

14 MR. MCKENZIE: Then what do we do?

15 MS. BAILEY: It does say if such activity would
16 create a hazard to aircraft operation, so if it's otherwise
17 determined to be hazardous, we should just -- we can take a
18 look and make a determination it is or is not hazardous. If
19 it's not hazardous --

20 MR. VOGT: The big one's the laser. That's new.

21 That's new stuff now. People are -- are hitting -- we
22 just -- our consultant just handed out a whole bunch of
23 lasers so we can all sit down out there and laser airplanes
24 as they come. That's not -- that's actually funny. There
25 are all sorts of things going on right now with lasers. So,

2-21-11 Airport Board

80

1 we need to keep this provision in here. I -- the only
2 question I have is, what is -- what does F.A.A. actually say
3 now? They change F.A.A. all the time.

4 MR. MOSER: But we still have -- but I don't care
5 what F.A.A. says. If we put it in here, whose obligation is
6 it to control it?

7 MR. DRANE: To enforce it.

8 MR. MOSER: Enforce it.

9 MS. BAILEY: We don't have the authority to
10 enforce, but if it's in here, then this gives us a basis for
11 -- if we know there's a club that shoots lasers at the
12 airplanes --

13 MR. MOSER: Just talk about model airplanes; forget
14 the lasers for a minute.

15 MS. BAILEY: Well, clearly, it just says they can't

16 do this within 5 miles of the airport if the activity could
17 create a hazard for aircraft operations. So, if Bruce says,
18 you know, from what I can tell, it's not going to create a
19 hazard for operations, then nothing. But if it turns out
20 they're flying bigger model airplanes and they're going up
21 too high --

22 MR. MOSER: But how will Bruce know? He doesn't
23 have the resources to go out there.

24 MS. BAILEY: I don't think it's his obligation to
25 figure it out, but if it --

2-21-11 Airport Board

81

1 MR. MOSER: It is in -- it's in here.

2 MS. BAILEY: If it comes to his attention, then I
3 think it's his obligation to say, "Hey, guys, I think
4 you're -- it's a hazard."

5 MR. VOGT: Got to have that next bit.

6 MR. MOSER: It says, "no person shall fly."

7 MR. VOGT: We should leave it in here.

8 MR. MOSER: We got to put some words in here -- we
9 don't want to be in the policing business, so we need to put
10 some words in there so we're not the enforcer.

11 MR. VOGT: Well, who would?

12 MR. MOSER: Well, that's my question. Why do we
13 put it in here if nobody's going to enforce it?

14 MR. VOGT: You could call FSDO up and have a
15 federal guy come out here and say we think there's a
16 violation of your regulation, and they can go out there and
17 enforce it.

18 MR. COWDEN: That's good.

19 MR. VOGT: I don't think Bruce is going to take his
20 white truck over there and turn his lights on and enforce it,
21 but he can call the FSDO up, and -- and since it is an
22 F.A.A. -- that's why we should check, what is the F.A.A.
23 regulation? It's not a criteria; it's regulation, and we can
24 actually state it in there. We can put that regulation in
25 it. Then if there's a violation, you call the FSDO over, and

1 he goes and checks.

2 MR. MOSER: What's a FSDO?

3 MR. MCKENZIE: Flight Standards Safety Office.

4 MR. DRANE: You can put it in a manner which

5 would create a hazard to airport traffic, if you want.

6 MR. VOGT: You know, I stopped -- Tierra Linda

7 wanted to put balloons up at the end of the runway where that

8 pipe -- where the pipeline is. That's where the towers were

9 going to go. They wanted to see what a 180-foot tower would

10 look like. And I said, "Okay, that's like cutting your arm

11 to see if you can stop the bleeding." I said, "You're

12 creating a hazard to those pilots." You're trying to --

13 you're trying to show that it's a hazard; then you actually

14 are creating the hazard, balloons flying up there. I said,

15 "Are you planning on lighting those balloons, or are you

16 taking them down every night?" No, that didn't work. But

17 that's the same point. You can't -- so I think -- I think

18 we're covered, Tom, if we have -- we have reference -- if we

19 have a real reference to an F.A.A. regulation that we -- we

20 can --

21 MR. MOSER: That just sets the requirements. It

22 doesn't talk about enforcement.

23 MR. VOGT: Enforcement is Federal Aviation

24 Administration.

25 MR. MOSER: So say it in here, so that we're not

1 enforcing it.

2 MR. VOGT: Well, then that precludes Bruce from

3 ever saying anything until he calls the FSDO. Someone may

4 come to Bruce and say, "Gee, I want to fly my kites out

5 here," and you say, "No, you can't do that." And he should

6 have the authority to say that to that person. And -- and,

7 you know, and the second -- the second layer is to go to the

8 FSDO. I think we're okay with this. I don't -- I don't --

9 there's all sorts of things in here that -- are you -- I'm

10 going to turn to counsel here. Are you saying just make sure

11 we affirm that this is an F.A.A. regulation, and that it is

12 5 miles?

13 MS. BAILEY: Yes, I think that's the first thing to

14 do. If it is -- if it is an F.A.A. regulation, then I

15 think --

16 MR. VOGT: All right.

17 MR. MCKENZIE: Modify.

18 MS. BAILEY: -- just leave it in.

19 MR. VOGT: All right.

20 MR. MOSER: Going to change "criteria" to

21 "regulation"?

22 MS. BAILEY: Yes, change -- yeah.

23 MR. VOGT: Next item I have is Section 3B.6,

24 ultralight aircraft. All right. I'm going to assume

25 ultralight aircraft operate at the airport all the time

2-21-11 Airport Board

84

1 without your permission -- no?

2 MR. MCKENZIE: No. And the reason that was put in

3 there was because we had one go down and somebody was killed

4 right over at the end of the runway here many years ago, and

5 that's when the Airport Board at that time wrote this in,

6 that we didn't want any more ultralights out here. That's

7 what precipitated this.

8 MR. MOSER: Yeah, killed on the property next to

9 mine.

10 MR. VOGT: Okay. But I have -- the real question

11 is, do you have the authority, in a public use airport, to

12 restrict --

13 MR. MCKENZIE: Here's what's happens when they come

14 in.

15 MR. VOGT: -- ultralight aircraft?

16 MR. MCKENZIE: I've seen two in the last probably

17 three years. I don't say anything to them; they're in and

18 out of here. The dentist that was from Comfort and the

19 gentlemen that were with him were sitting right there before

20 they got killed, and they went up and they got killed between

21 here and Fredericksburg. But, I mean, that's out of my

22 purview, but they were sitting right there when they left.

23 So, I mean, they come in and out. I don't say anything to

24 them, because it's a public use airport. I mean, that's --

25 MR. VOGT: Well, that's the problem.

2-21-11 Airport Board

85

1 MR. MCKENZIE: We don't have any to speak of. It's
2 a couple in the last three years I've seen out here.

3 MR. VOGT: Yeah, but I'm -- you know, I'm kind of
4 playing Tom here. You're -- it is -- it is a -- it's a
5 recognized aircraft by the F.A.A., and this is a public use
6 airport. I think landing and taking off, you're precluding
7 that with the statement, "landing or taking off." It doesn't
8 say they can't be housed here, hangared here, can't operate
9 out of here, but you're saying they can't even land here, and
10 I don't think you have the right to do that.

11 MR. MOSER: That's what I would think.

12 MR. MCKENZIE: I agree.

13 MR. VOGT: Steve? I mean, were you -- you and
14 Bobertz the ones that did this?

15 MR. DRANE: No. No, I -- Bobertz, yes. (Laughter.)

16 MS. BAILEY: You don't require them to have a
17 license; is that correct?

18 MR. VOGT: I don't know. I don't think you have to
19 have a license to fly an ultralight aircraft. But -- but
20 don't you have to have an F.A.A. registration of some sort?

21 MR. MCKENZIE: Yes. Yes, sir, you do. It's
22 experimental.

23 MR. VOGT: It's experimental. I don't think you
24 can preclude them from landing and taking off here. You
25 might want to put in here before any ultralights are hangared

2-21-11 Airport Board

86

1 here -- or operations --

2 MR. MOSER: That's already included under -- these
3 guys control that already.

4 MR. VOGT: But if someone has a Cessna and they
5 want to come -- say I have a Cessna 182; I want to fly out of
6 here.

7 MR. MOSER: Why don't we just eliminate this?
8 MR. DRANE: The line between LSA's and ultralights
9 is so blurred right now that you'd have a hard time.
10 MR. VOGT: I know. It's just a matter of
11 horsepower and speed.
12 MR. MOSER: If we can't enforce it and there's no
13 reason to have it, why have it in here?
14 MR. DRANE: Same reason about the model airplanes?
15 MR. VOGT: Well, he said that -- I don't agree with
16 that statement, but I agree we probably ought to take it out.
17 I don't think we can restrict a valid --
18 MR. MOSER: That's what I just said, I thought.
19 MR. VOGT: Now, gliders -- we don't even refer to
20 gliders. Do we have glider operations here?
21 MR. DRANE: Yeah.
22 MR. MCKENZIE: That man there is a big one.
23 MR. VOGT: What authority do you have to operate
24 your glider over here?
25 MR. DRANE: F.A.A. just had a decision. Licensed

2-21-11 Airport Board

87

1 airplane.
2 MR. VOGT: There you go. We need to delete this.
3 MR. DRANE: Public use airport.
4 MR. MOSER: So --
5 MR. VOGT: Take it out.
6 MR. MOSER: B.6 is gone.
7 MS. BAILEY: That renumbers everything else.
8 MR. MOSER: Okay. We can leave it there and say,
9 "Intentionally left blank." Then you don't have to renumber
10 everything.
11 MS. BAILEY: See, but that highlights the fact
12 we're trying to regulate something we can't regulate.
13 MR. VOGT: Okay. Section 3C.2. I hear someone
14 saying, "Oh, dear. Oh, dear." I agree.
15 MR. MOSER: Wait. B.7.
16 MR. VOGT: B --
17 MR. MOSER: B.7. Aircraft going to be rented out

18 -- oh, maintenance testing. Nevermind, it covers it.
19 MS. BAILEY: Do you want to take out "or patio
20 hangars"?
21 MR. VOGT: Yeah.
22 MR. MOSER: Yeah, but that comes out of here
23 through the whole document. Nevermind.
24 MR. VOGT: All right. 3C.2, licensing,
25 registration, insuring of vehicles. I think we already --

2-21-11 Airport Board

88

1 this was referenced earlier about taking that out. No person
2 shall operate a vehicle of any kind at the airport without
3 prior registration -- proper registration, a valid state
4 operator's -- well, no, that's good. Operate a vehicle of
5 any kind on the airport without proper registration and valid
6 state operator's -- okay. I'm all right with that. Speed
7 limits on the airport. I have -- this is on 3C.4, 15 miles
8 an hour. Now, I see y'all are laughing, because people drive
9 on this thing about 65 miles an hour, not 15 miles an hour.
10 I didn't know we actually designated and said it can't be
11 over 15 miles an hour. But I want -- I want to take it so
12 it's a little bit broader. When we talk about control of
13 vehicles, we don't have any control of vehicles. So -- we
14 don't close the gates, number one. That's part of our
15 control aspect. But we allow anybody to come on -- and I'm
16 not -- this is a general aviation airport, and we want to
17 keep our customers happy and all that. But there are times
18 when it ends up to be a road -- just a road to get -- they
19 don't want to go back out here to the perimeter road. They
20 want to just come in here, if they're here, and head down
21 there. Is that -- is that the intent? Or do you want people
22 to go back outside to the perimeter road and use the
23 perimeter road, as opposed to using the -- the ramp area?
24 MR. MCKENZIE: The only folks that use the ramp
25 area, as a general rule, are folks that actually have

2-21-11 Airport Board

89

1 aircraft out there. Now, there's exceptions to the rule;

2 that happens every day. There's -- I don't know, one or two
3 or three that will come out there and travel just to keep
4 from going back through that gate. But for the most part,
5 everybody goes back out here. Now, a lot of times when folks
6 land, and their vehicle's parked there, they'll drive down
7 the ramp and go out Gate Number 2 down here past Hangar 4.
8 I've got no issue with that.

9 MR. VOGT: Do we want -- as a board, do we want to
10 give the Airport Manager more restrictive language, or just
11 leave it alone? I'm --

12 MR. COWDEN: Well, if he's comfortable with it, I
13 think it's fine.

14 MR. VOGT: Yeah. Colliding -- a car colliding with
15 an airplane is a bad thing, so --

16 MR. McKENZIE: It is a bad thing when a car
17 collides with an airplane. That's when the gates get closed,
18 that gate and this gate. That's when we close the gates.
19 Steve's been a proponent of that for a long time. But I'm
20 trying to keep this as user-friendly as we possibly can, and
21 that draws a lot of business to this airport.

22 MR. VOGT: Convenient to drive out here, unload
23 your bags in the airplane, then go park.

24 MR. McKENZIE: People love it.

25 MR. VOGT: Okay.

2-21-11 Airport Board

90

1 MR. McKENZIE: They love it. But even if somebody
2 plows in a wing of an airplane out here one afternoon, that
3 still may not cause us to close a gate. Then it's between he
4 and the aircraft owner, and that will be very serious.

5 MR. MOSER: Okay.

6 MR. McKENZIE: So --

7 MR. VOGT: All right. Let me -- just to rephrase
8 it, you have enough language in this thing right now to
9 control the vehicle traffic here?

10 (Mr. McKenzie nodded.)

11 MR. VOGT: Okay.

12 MR. MOSER: Good enough.

13 MR. DRANE: Since I live at the end of the road

14 down there, occasionally I've got a lost little old lady.
15 They'll come in and turn wrong and not know where they're
16 going. That happens occasionally over there.

17 MR. VOGT: Well, and, you know, the follow-on to --
18 to Steve's comments is, the next thing, they're closing the
19 runway, so you got a runway incursion issue.

20 MR. McKENZIE: We've had that happen before.

21 MR. VOGT: The biggest thing is F.A.A.

22 MR. McKENZIE: Before we put our fences and gates
23 up out here.

24 MS. BAILEY: The next section, I think, gives him
25 sufficient control, because 3C.5 says, "Airport Manager may

2-21-11 Airport Board

91

1 cause to be removed from any area of the airport... a vehicle
2 which presents an operational problem in the area of the
3 airport." So, any time that he feels like whatever they're
4 doing ain't right, he can -- he can control it with that, I
5 think.

6 MR. VOGT: Okay. Valid airport vehicle permits,
7 (c). All parked vehicles must display -- we don't -- I'm
8 sorry, this is 3C.8, subparagraph -- Subparagraph (c). "All
9 parked vehicles must display valid airport vehicle permit" --
10 there is no such thing -- "if parked in a designated
11 restricted parking area." I don't know if we have a
12 designated restricted parking area.

13 MS. BAILEY: Let me just throw something in there.
14 We're talking about creating an area which will be a parking
15 area that's closed off. We may want to leave that in there
16 if we're thinking about making that a restricted area, and
17 maybe --

18 MR. VOGT: Are you talking about up here?

19 MS. BAILEY: Yeah. Yeah, 'cause we're talking
20 about making some of that covered, some of it closed and
21 restricted, and --

22 MR. McKENZIE: Right.

23 MS. BAILEY: -- it might be a good idea for that.

24 MR. VOGT: Mm-hmm. I'm just worried about the

25 airport -- what does that look like to you, airport vehicle

2-21-11 Airport Board

92

1 permit? Look like a hand tag or something, that they want

2 the park up here?

3 MR. MOSER: We don't have the area, so you don't

4 have to worry about the permits.

5 MS. BAILEY: Right.

6 MR. VOGT: Okay. So, just leave it alone?

7 MR. MOSER: That's what Ilse's recommending. Good

8 idea.

9 MS. BAILEY: 'Cause in a year, we may --

10 MR. MOSER: Want to have it.

11 MS. BAILEY: -- need it in there.

12 MR. MOSER: Then we'll talk about the wording for

13 half an hour.

14 COMMISSIONER OVERBY: Leave it in there.

15 MR. VOGT: Those are all the changes I had.

16 MR. MOSER: Good job.

17 MR. VOGT: I'm not saying that I didn't miss

18 something, but that's what I have. We have the authority to

19 approve this. It doesn't take Council or --

20 MR. MOSER: Right.

21 MR. VOGT: -- Commissioners Court to approve the

22 minimum standards. So, why don't you make all those changes,

23 Bruce, and -- well, I mean, we're just doing word --

24 MR. MCKENZIE: Wordsmithing. That's all we're

25 doing.

2-21-11 Airport Board

93

1 MR. MOSER: So, should we have a motion to make the

2 articles -- Article III, Airport Rules and Regulations --

3 MR. VOGT: Amend them.

4 MR. MOSER: Amended as so discussed.

5 MR. VOGT: During this period.

6 MR. MOSER: Right.

7 MR. VOGT: Do I have a second?

8 MR. COWDEN: Second.

9 MR. VOGT: Any more discussion on this? All in
10 favor, say "aye."

11 (The motion carried by unanimous vote, 3-0.)

12 MR. VOGT: He said "aye" also.

13 MR. COWDEN: Aye.

14 MR. MOSER: Okay.

15 MR. VOGT: All right. That concludes our action
16 items. We're back now to information/discussion.

17 Regarding -- we've already had 3A. We're onto 3B, Mooney
18 lease/environmental issue. Is that Ilse?

19 MR. McKENZIE: That's Ilse.

20 MS. BAILEY: I've been making some progress talking
21 back and forth with Mike Hayes and Rob Henneke about them
22 signing on as applicants to Mooney's environmental cleanup to
23 those evaporation ponds. I have provided them with a copy of
24 the original application that Mooney made with the form that
25 they need for becoming additional applicants. I've talked to

2-21-11 Airport Board

94

1 the point person at T.C.E.Q. who's doing this -- who's in
2 charge of this voluntary cleanup program, and confirmed that
3 he recommended that the owners become additional applicants.
4 The amended application, it's not exactly clear. It says the
5 applicant has to pay an application fee of \$1,000, and I
6 don't know if that means three applicants split it three
7 ways, or every time there's a new applicant, they have to pay
8 \$1,000, but that may be a sticking point for the owners.
9 However, I think at this point, for purposes of deciding
10 whether or not they're going to join on, we've provided the
11 information. It's really the owners' decision; it's not --
12 it's not really within our power to do anything except
13 recommend that the owners do that. So, I don't know if they
14 have it on their upcoming agendas or not, but that should be
15 coming up pretty soon. But we're in process. We're making
16 progress.

17 MR. VOGT: Do we have to do anything to encourage
18 them to put it on their agendas?

19 MS. BAILEY: Well, I have -- I've asked both of
20 them if they intend to do that; told them that it was a

21 suggestion of T.C.E.Q., identified the fact that property
22 owners continue to be responsible for environmental hazards
23 whether or not the lessee is still in business or still
24 operating the property, or whether they go belly-up and
25 leave. So, in my opinion, it's needed. They have the

2-21-11 Airport Board

95

1 information they need. If they ask me for additional
2 information, I will try to provide that to them, but I think
3 they're right now in the process of just looking at it, and
4 to see what they want to do. I would anticipate the issue
5 being on both their agendas within the near future. But if
6 you want to give me some direction --

7 MR. COWDEN: Tickler file where we need to check on
8 this in three months or something?

9 MS. BAILEY: Well, what I'm going to do is just try
10 to keep on top of it. I assume that you would direct me
11 to --

12 MR. VOGT: You already -- you already -- you work
13 with the Commissioners Court and the Council. They know of
14 the issue, at least, now.

15 MS. BAILEY: Well, the attorneys do. The attorneys
16 do, and I don't know that they've put it on.

17 MR. COWDEN: They got it.

18 MS. BAILEY: They haven't put it on the agendas
19 yet, but I think that's because they didn't -- I'm
20 speculating, but I think probably before they put it on their
21 agendas, they wanted to know what they were talking about so
22 when their respective bodies ask them questions, they
23 wouldn't go, "I don't know."

24 MR. VOGT: Can we bring it up at the next Airport
25 Board meeting?

2-21-11 Airport Board

96

1 MS. BAILEY: Probably a good idea to put it on the
2 next agenda so I can give you an update.

3 MR. VOGT: Thank you. Master plan. 3C, Master
4 Plan.

5 MR. MCKENZIE: Where we are with the master plan,
6 I'll use some bullets that I got from Perry Friday. At the
7 present, we're finalizing all of the preferred development
8 exhibits the board reviewed last time, the last meeting, and
9 are working on the 20-year development plans. We have also
10 begun working on the noise exposure maps for the airport.
11 There's a product through the F.A.A., Integrated Noise
12 Modeling software, and that will prepare those noise exposure
13 maps for the existing, the 10-year, as well as the 20-year
14 conditions. Our teaming partner, Randal Wiedemann
15 Associates, has begun the work on the financial section of
16 the master plan, and Perry anticipates addressing the board
17 again at the May meeting; will bring this back to us at the
18 May meeting, and that will be the week before we go to Austin
19 for the TexDOT conference. Should be the Monday prior.

20 MR. VOGT: Based on the discussion we had with
21 Kevin today, will you raise the zoning issues with respect
22 to the master plan? I'm not sure whether the deliverables
23 are --

24 MR. MCKENZIE: I've already got it down.
25 MR. VOGT: I'm not positive what the -- if we would

2-21-11 Airport Board

97

1 like to -- we would like to deliver to the City and the
2 County the zoning recommendations based on the consultant's
3 review, because they review all the general aviation airports
4 in the world -- in the country, so ask him to -- to be
5 prepared in that meeting. And you said May?

6 MR. MCKENZIE: That's what we anticipate.

7 MR. VOGT: Maybe before that, even, a discussion
8 for the next meeting for the zoning, that they understand
9 what we want and they can produce that when -- you know,
10 based on their timeline or their perk chart.

11 MR. MCKENZIE: Okay, will do.

12 MR. VOGT: I love Kevin, but we want to make sure
13 we -- we can give as much information on the front end,
14 because it's hard to fix it when they -- they get locked into
15 the city in making time. Thank you. Anything else on the

16 master plan, Tom, you got?

17 MR. MOSER: No, just curious. It was just an

18 update, all I was looking for.

19 MR. VOGT: 3D, fuel flowage.

20 MR. McKENZIE: Fuel flowage, the most recent is in

21 your packet.

22 MR. MOSER: Mm-hmm.

23 MR. McKENZIE: Both the fuel flowage amount, as

24 well the amount of the payment that we received, "we" being

25 the airport.

2-21-11 Airport Board

98

1 MR. MOSER: Mm-hmm, okay. About the same.

2 MR. VOGT: Anything else? 3E, update on Phase II

3 construction project.

4 MR. McKENZIE: The magic date now is March 7 for

5 paving. If we --

6 COMMISSIONER OVERBY: March 7?

7 MR. McKENZIE: March the 7th. That's two weeks

8 from today.

9 MR. VOGT: Going to be hot enough?

10 MR. McKENZIE: It should be warm enough, if we

11 don't have any rain. We're coming into the spring. We need

12 eight days.

13 MR. MOSER: Let it rain.

14 MR. McKENZIE: We need eight days.

15 MR. VOGT: Don't let it rain here.

16 MR. McKENZIE: As we do this, as we do the paving

17 and as we complete all that paving, I've got an area out

18 there on Runway 12/30 that has a weak place in it. That weak

19 area is 100 feet long. I've already got a contract signed

20 with Ramming Paving to fix that for us. The County's going

21 to come out and do all the milling for us down 10 inches;

22 we're going to take it out 12 feet wide, 100 feet long, and

23 I've already signed a contract with Ramming. They're

24 on-site. They don't have to mobilize; the material's here.

25 We're going to pave it back, but that's the last thing.

2-21-11 Airport Board

1 MR. VOGT: What caused it to fail?

2 MR. McKENZIE: I don't know. I don't know. But
3 the rest of the runway, as best I can tell, was fine. And we
4 patched it before about five years ago just like that, but
5 way down on this side back over here. So, that'll be
6 happening in that phase. But --

7 MR. COWDEN: So, your speculation is --

8 MR. VOGT: That's a \$14 million project, and we're
9 hoping that --

10 MR. McKENZIE: No, this is something that's on the
11 existing old runway.

12 MR. MOSER: Right.

13 MR. VOGT: Well, I mean, my car weighs more than
14 most of those airplanes. To fail like that --

15 MR. McKENZIE: That's true.

16 MR. MOSER: Single wheel load.

17 MR. McKENZIE: We're placing topsoil, as you can
18 see. And I know everybody's been patient, and I appreciate
19 it. We're going to repave this road out here when we get
20 through. So -- and that's coming.

21 MR. VOGT: Still passable.

22 MR. McKENZIE: That's my update.

23 MS. BAILEY: I thought it was just a speed control
24 device.

25 MR. McKENZIE: It is that as well. But it's kind

2-21-11 Airport Board

100

1 of ugly.

2 MS. BAILEY: Yes.

3 MR. VOGT: All right. Thank you, Bruce. The
4 declared distances, this was on there because we -- you saw
5 some of the e-mails going around. Last meeting, we decided
6 we should declare the distances so that put us more in
7 conformance with 135 operations. I'm not taking the thunder
8 from you, because TexDOT said not so fast. Let's make sure,
9 if we do that, that it -- so, Bruce -- I'll turn it over to
10 Bruce on this.

11 MR. McKENZIE: Yeah. Perry and Michelle both told

12 us to not make any moves on this yet until Michelle gets
13 through looking at the ALP, at the Airport Master Plan. And
14 they may be able -- if y'all will remember, they're also
15 doing part of this for us that costs \$100,000. We've already
16 done the flying part of that. We've taken all the pictures
17 of the topography, the overlay, all that. Then we can see
18 more. That's what they're doing now, and it could be a
19 little while before we get back to this. But Michelle just
20 asked us to just -- you know, just wait till we get all the
21 data together.

22 MR. MOSER: Sure.

23 MR. MCKENZIE: Then we'll know about declaring
24 these distances on our approaches.

25 MR. VOGT: This is good. This is what the master

2-21-11 Airport Board

101

1 plan process brings forward, things like this that we have
2 questions on. And we've got the consultant -- we've got
3 TexDOT's interest in this. That's good. I do want to
4 mention one thing that's not on here, and this is just
5 information/discussion, but since you brought up TexDOT, I
6 can segue into it. We are proceeding to present this airport
7 as the airport of the year. We're building that award
8 presentation right now. Can you just tell us when you think
9 you'll -- you have to do it by the end of March.

10 MR. MCKENZIE: We're -- I have -- the individuals
11 and the companies that I asked to write letters have done so,
12 except one, and I think they'll get back with us, and that
13 was NetJets. The individuals on the airport that I've asked
14 have written their letters. We've got the pictures together.
15 We pared down over 900 pictures down to about 50, and we're
16 going to pare that down now to 15 of the best pictures we've
17 got, put it on the DVD for our presentation. We've got that.
18 We've got the cover letter almost completed. We just need to
19 submit it, that's all. But -- and we'll send that in within
20 the next 10 days, and then we'll just -- then it's a waiting
21 period.

22 MR. MOSER: Who sends it?

23 MR. MCKENZIE: We're going to send it in. I've got
24 one more gentleman that's going to send a letter. That's
25 really the nomination.

2-21-11 Airport Board

102

1 MR. MOSER: Yeah.
2 MR. MCKENZIE: The "letter" letter.
3 MR. MOSER: Right.
4 MR. MCKENZIE: That's the one we're going to put
5 our C.D. with and our cover letter.
6 MR. VOGT: He's going to send it to us via the
7 Airport Board?
8 MR. MCKENZIE: He's going to walk it in.
9 MR. VOGT: That's "via."
10 MR. MCKENZIE: He'll give it to Laurie.
11 MR. VOGT: So we can write a cover letter, Tom,
12 that puts our input into it and say we're very happy that
13 they nominated us.
14 MR. MOSER: Right. But who writes -- who writes
15 the letter of nomination?
16 MR. MCKENZIE: Well, I asked --
17 MR. VOGT: Someone volunteered to do it?
18 MR. MCKENZIE: Two different people.
19 MR. VOGT: If you don't want to say it, that's
20 okay.
21 MR. MCKENZIE: Ed Livermore said he would do it,
22 and so did Roger Bobertz. He said he would write a
23 voluminous letter for us.
24 MR. MOSER: Super. Both of them are good writers.
25 MR. VOGT: I'd say Ed.

2-21-11 Airport Board

103

1 MR. MCKENZIE: I can't find Ed; that's the problem.
2 MR. MOSER: He's back now. He's been gone for
3 three weeks.
4 MR. MCKENZIE: Thank you, Tom. He wouldn't answer
5 his calls.
6 MR. MOSER: Yeah. No, he's there now. Send him an

7 e-mail.

8 MR. McKENZIE: Okay. Anyway, that's who I
9 contacted. 'Cause I couldn't get ahold of Ed, so Roger
10 walked in my office Friday; I explained it to him. He said
11 he'd be glad to write it.

12 MR. VOGT: I know he would. I would rather not
13 have an ex-Airport Board member write that letter. That's a
14 little bit -- and they're going to see through that
15 immediately. Somebody that's an operator, I mean --

16 MR. MOSER: Right.

17 MR. VOGT: Bobertz doesn't fly for money. Ed's --

18 MR. McKENZIE: No, but he flies all over the United
19 States.

20 MR. VOGT: So that's the kind of flavor we want,
21 since the award's for an airport that's working within the
22 national airport system. Roger's going out there flying his
23 Mooney around for fun.

24 MR. McKENZIE: That's fine.

25 MR. VOGT: Plus he's a former board member. All

2-21-11 Airport Board

104

1 right. So, we're doing good on that. That covers our
2 agenda. I don't believe there's anything that we need to go
3 into executive session on. Am I hearing any need for
4 executive session?

5 MR. MOSER: Hmm-mm, no.

6 MR. VOGT: Our next board meeting is as stated; we
7 haven't changed it. We're not --

8 MR. McKENZIE: March.

9 MR. VOGT: Do I hear a motion to adjourn?

10 MR. MOSER: So moved.

11 MR. COWDEN: So moved.

12 MR. VOGT: Second? Discussion? We're adjourned.

13 Thank you very much for your attendance.

14 (Airport Board meeting adjourned at 10:32 a.m.)

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2-21-11 Airport Board

105

1 STATE OF TEXAS |
2 COUNTY OF KERR |
3 I, Kathy Banik, official reporter for Kerr County,
4 Texas, do hereby certify that the above and foregoing is a
5 true and complete transcription of my stenotype notes taken
6 at the time and place heretofore set forth.
7 DATED at Kerrville, Texas, this 25th day of February,
8 2011.

9 _____
10 Kathy Banik, Texas CSR # 6483
11 Expiration Date: 12/31/12
12 Official Court Reporter
13 Kerr County, Texas
14 700 Main Street
15 Kerrville, Texas 78028
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2-21-11 Airport Board