

MINETA SAN JOSE INTERNATIONAL AIRPORT

Minutes of the Airport Commission Special Meeting

MONDAY

SAN JOSE, CALIFORNIA

April 3, 2017

CALL TO ORDER

The Airport Commission of the Mineta San Jose International Airport met for a special session on Monday, April 3, 2017, at 6:00 p.m. at Norman Y. Mineta San José International Airport in the Boeing/McDonnell Douglas Conference Room at 1701 Airport Boulevard, Suite B1130, San Jose, CA 95110.

ATTENDEES

COMMISSIONERS

Julie Matsushima, Chair	- Present
E. Ronald Blake, Vice-Chair	- Present
Abhay (AJ) Borade	- Absent
Dan Connolly	- Present
Tom Cruz	- Present
Raymond Greenlee	- Present
Catherine Hendrix	- Present
William Highlander	- Absent
Stephen McMinn	- Present
Mark Schmidt	- Present
Richard Terrill	- Present

AIRPORT STAFF PRESENT

Bob Lockhart
Michael Glazer
Darleen Yamaki
Matthew Kazmierczak

CITY ATTORNEY STAFF PRESENT

Ed Moran
Kevin Fisher

ASST. TO THE DIRECTOR FOR GOVERNMENT & LEGISLATIVE AFFAIRS

James Webb - Present

COUNCIL LIAISON

Raul Peralez - Absent

CALL TO ORDER/ROLL CALL

The meeting was called to order at 6:00 p.m. with eight Commissioners in attendance. Commissioner McMinn arrived at 6:05 p.m. for a total of nine Commissioners in attendance.

1. GENERAL BUSINESS

1.1 Presentation regarding the Hearing Procedures for Airport Commission Administrative Citation Appeals.

Chair Matsushima read aloud the procedures to be followed for the citation appeals hearing.

Assistant City Attorney Ed Moran gave a PowerPoint presentation overview of the legal parameters for considering curfew administrative citation appeals.

1.2 Conduct a hearing on appeal of the decision of the Director of Aviation of the Norman Y. Mineta San Jose International Airport to Issue Administrative Citation No. 2016-33-3208 – Southwest Airlines (SWA).

Mr. Glazer presented staff testimony on the reason for the issuance of the administrative citation.

Appellant Mr. Robert Alderete, Southwest Airlines, presented testimony on the events leading to the citation.

Both presentations were followed by questions from the Commissioners.

A vote was taken to either uphold or cancel the citation.

Action: A motion was made to uphold the citation since the testimony presented by SWA did not demonstrate that the incidence of non-compliance with the curfew was the result of a force majeure event and that Southwest had another option to bring in the plane without violating the curfew.

Approved (M.S.C. Greenlee/McMinn, 8-1, Nay – Connolly, Absent – Borade, Highlander)

At this point, Mr. Moran retroactively swore in Bob Lockhart, Deputy Director of Operations, Michael Glazer, Airport Operations Superintendent and Robert Alderete, Station Manager for Southwest Airlines.

1.3 Conduct a hearing on appeal of the decision of the Director of Aviation of the Norman Y. Mineta San Jose International Airport to Issue Administrative Citation No. 2017-33-3363.

Mr. Alderete initially requested to withdraw his appeal for this citation since it was similar to the previous citation that was denied. Some Commissioners stated that he should continue with the appeal. Mr. Moran stated the choice of whether to proceed with the appeal was Mr. Alderete's. Mr. Alderete subsequently decided to present his appeal to cancel the citation.

Mr. Glazer presented staff testimony on the reason for the issuance of the administrative citation.

Mr. Alderete presented testimony on the events leading to the citation.

The presentations were followed by questions from the Commissioners.

A vote was taken to either uphold or cancel the citation.

Action: A motion was made to uphold the citation as the Commission concluded there was an opportunity to bring in the plane without violating the curfew.

Approved (M.S.C. Cruz/Greenlee, 7-2, Nay – Connolly, Schmidt, Absent – Borade, Highlander)

2. OLD BUSINESS

2.1 Adoption of Updated Commission By-Laws

Mr. Webb asked Commissioners to approve the updated Commission By-Laws, which included the corrected clerical errors noted at the February 27, 2017, meeting and the re-insertion of a provision acknowledging the Commission's ability to meet in closed executive session. (Commissioner Connolly had requested the by-laws to include such a provision during the February 27 Commission meeting.) Commissioner Hendrix noted additional clerical errors.

Action: A motion was made approve the by-laws with the re-inserted provision on closed sessions and the correction of clerical errors.

Approved (M.S.C. Connolly/Greenlee, 9-0, Absent – Borade, Highlander)

3. ANNOUNCEMENTS

Mr. Webb announced the June 5 meeting has been moved to May 8 so the Commission can review the Airport budget prior to it going to Council. He also stated that 11:59 p.m. of April 3 was the deadline to apply for reappointment to the Commission. Mr. Webb also announced that Administrative Assistant Darleen Yamaki would be leaving the Airport after the May 8 meeting.

4. PUBLIC COMMENT

None

5. ADJOURNMENT

Action: The Chair adjourned the meeting at 7:10 pm.