



March 30, 2012

CALL AND NOTICE OF A REGULAR MEETING OF THE
LEGAL, GOVERNMENT AND ENVIRONMENTAL AFFAIRS COMMITTEE
OF THE
BURBANK-GLENDALE-PASADENA AIRPORT AUTHORITY

NOTICE is hereby given that a regular meeting of the Legal, Government and Environmental Affairs Committee will be held Wednesday, April 4, 2012, at 8:30 a.m., in the Burbank Room of the Bob Hope Airport, 2627 Hollywood Way, Burbank, California 91505.

The items to be discussed are listed on the attached agenda.

Sue Loyd, Board Secretary
Burbank-Glendale-Pasadena Airport Authority

REGULAR MEETING
OF THE
LEGAL, GOVERNMENT AND ENVIRONMENTAL AFFAIRS COMMITTEE

Burbank Room
Wednesday, April 4, 2012
8:30 A.M.

NOTE TO THE PUBLIC: Any discloseable public records related to an open session item on a regular meeting agenda and distributed by the Authority to the Commission less than 72 hours prior to that meeting are available for public inspection at Bob Hope Airport (2627 Hollywood Way, Burbank) in the administrative office during normal business hours.

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In accordance with the Americans with Disabilities Act of 1990, if you require a disability-related modification or accommodation to attend or participate in this meeting, including auxiliary aids or services, please call the Board Secretary at (818) 840-8840 at least 48 hours prior to the meeting.

A G E N D A

1. Public Comment
2. Approval of Minutes
 - a. March 21, 2012 ***[See page 1]***
3. Contracts and Leases
 - a. Award of Contract, Project Number E11-25
Residential Acoustical Treatment Program Module 12.13
 - Staff Report Attached ***[See page 6]***

Module 12.13 acoustically treats 36 single-family condominium residences, located in North Hollywood. Staff seeks a Legal, Government and Environmental Affairs Committee recommendation to the Authority that it award a contract for Residential Acoustical Treatment Program Module 12.13 to Karabuild Development, Inc. in the amount of \$629,999. Staff also seeks authorization for contingency of approximate 5% contingency not to exceed \$31,500 to permit Staff to approve any changes in scope that should arise during the course of construction.

- b. Consultant Selection for
Design and Construction Management Services for the
Residential Acoustical Treatment Program

- Staff Report Attached

[See page 8]

Staff has completed the first of two phases of a qualifications-based selection process for the procurement of a qualified consultant for design and construction management of the Authority's ongoing Residential Acoustical Treatment Program. Staff seeks Committee concurrence to negotiate a professional services agreement, including fee, with Wyle Laboratories, Inc. to bring back to the Committee for final consideration as detailed below.

4. Items for Discussion

- a. Update on Ground Access Initiatives

No staff report attached. Staff will update the Committee on the various ground access initiatives being currently pursued on behalf of the Bob Hope Airport by Staff and/or the Authority's consultants.

5. Other Legal, Government and Environmental Matters

6. Closed Session

- a. Conference with Real Property Negotiators
(California Government Code Section 54956.8)

Property:	Bob Hope Airport Leaseholds
Authority Negotiator:	Executive Director
Negotiating Parties:	Enterprise Rent-a-Car Company of Los Angeles, LLC; The Hertz Corporation; Avis Budget Car Rental LLC; Budget Rent a Car of Southern California; DTG Operations; Fox Rent A Car; and Midway Car Rental
Under Negotiation:	Price and Terms of Payment

Property:	Bob Hope Airport Leasehold
Authority Negotiator:	Executive Director
Negotiating Party:	AVJET Corporation
Under Negotiation:	Price and Terms of Payment

Property:	Bob Hope Airport Leasehold
Authority Negotiator:	Executive Director
Negotiating Party:	D & L Studio Transportation Inc. dba Desmond's Studio Production Services
Under Negotiation:	Price and Terms of Payment

Property:	B-6 Property Easements
Authority Negotiator:	Executive Director
Negotiating Party:	City of Burbank
Under Negotiation:	Price and Terms of Payment

- b. Conference with Legal Counsel – Existing Litigation
(California Government Code Section 54956.9(a))

Name of Case: In re Petition of Burbank-Glendale-Pasadena Airport Authority for
Order Permitting Entry on Property (Union Pacific) (Case No. BS131944)

- c. Conference with Legal Counsel – Anticipated Litigation

Initiation of Litigation (California Government Code Section 54956.9(c)):
Two potential cases. One case: Noise Variance Application to Department of
Transportation, Division of Aeronautics

Significant Exposure to Litigation (California Government Code Section 54956.9(b)):
Two potential cases. Facts and Circumstances: Maintenance Department Claim

- d. Conference with Labor Negotiator
(California Government code Section 54857.6(a))

Authority Representative: Executive Director
Unrepresented Employee: Director of Public Safety/Chief of Police

7. Adjournment

Subject to Approval

**MINUTES OF THE REGULAR MEETING OF THE
LEGAL, GOVERNMENT AND ENVIRONMENTAL AFFAIRS COMMITTEE
BURBANK-GLENDALE-PASADENA AIRPORT AUTHORITY**

WEDNESDAY, MARCH 21, 2012

A regular meeting of the Legal, Government and Environmental Affairs Committee was called to order this date in the Burbank Room of the Burbank-Glendale-Pasadena Airport Authority, 2627 Hollywood Way, at 8:41 a.m., Burbank, California, by Chairman Wiggins.

ROLL CALL

Present: Commissioners Wiggins, Quintero and Madison

Absent: None

Also Present: Staff: Dan Feger, Executive Director; John Hatanaka, Senior Deputy Executive Director; Mark Hardyment, Director of Noise and Environmental Programs; Victor Gill, Director of Public Affairs and Communications; Sidney Allen, Special Projects Manager; Lucy Burghdorf, Public Relations and Government Affairs Manager; Rachael Warecki, Public Relations and Social Media Specialist; and Maggie Martinez, Manager, Noise and Environmental Programs

Authority Assistant Counsel: Terence R. Boga of Richards, Watson & Gershon (via teleconference)

Martin M. Cooper, President, Cooper Communications, Inc. (via teleconference)

1. Public Comment There were no public speakers.

2. Approval of Minutes**a. March 7, 2012**

Commissioner Quintero moved approval of the minutes of the March 7, 2012, meeting. There being no objection, the minutes were approved unanimously (3-0).

5. Closed Session (First)

The meeting recessed to closed session at 8:41 a.m. to consider the items listed on the closed session agenda and to confer with legal counsel regarding existing and potential litigation.

Assistant Counsel Boga left the meeting at 9:10 a.m., at the end of closed session.

The meeting reconvened to open session at 9:11 a.m. with the same Commissioners present. Chairman Wiggins announced that there was no reportable action taken in closed session.

The meeting continued with agenda item 3.

3. Action Items

a. Annual Review and Adjustment for Noise Violation Fines

The Airport Authority's Resolution No. 382 requires an annual review and adjustment of noise violation fines. This adjustment is based on year-over-year increases in the Consumer Price Index ("CPI") for the month of January. The January 2012 CPI for All Urban consumers in the Los Angeles, Riverside and Orange County area was 233.441 according to the U.S. Bureau of Labor Standards. This level represents an increase of 2.1% when compared to the January 2011 index reading of 228.652.

Accordingly, Staff recommended that the Committee recommend to the full Commission increases to the current Rules 8 and 9 violation fines by 1.8% effective April 1, 2011, as follows: Rule 8, first violation, increase from \$1,359 to \$1,388; Rule 8, subsequent violations, increase from \$1,976 to \$2,017; and Rule 9, each violation, increase from \$3,953 to \$4,036

There being no objection, the Committee agreed unanimously (3-0) to approve Staff's recommendation.

b. Records Retention and Destruction

This is the sixth Records Retention and Destruction submittal to the Committee since the Airport Authority adopted Resolution No. 390 on April 5, 2004, providing for the implementation of a records retention and destruction policy and procedure for the Bob Hope Airport. The subject document destruction request covers accounting records going back a number of years as well as records from the Administration Department. Airport Authority counsel has reviewed the request and provided written consent (Attachment 3 to staff report) for the destruction of these items. Staff recommended that the Committee recommend that the full Authority approve the listed items for destruction.

Staff advised the Committee that a review of the Authority's Records Retention and Destruction Policy is ongoing by department as the current policy seems somewhat cumbersome and Staff wishes to ensure that all records and documents that should be kept are being retained and that perhaps other items might be candidates for earlier destruction than the existing policy decrees.

There being no objection, the Committee agreed unanimously (3-0) to approve Staff's recommendation.

**c. Joint Application for
Metropolitan
Transportation
Authority Grant
Funding for Transit-
Oriented
Development**

The Authority commenced a Ground Access Study ("Study") in June 2011 that will comprehensively study a variety of public transportation improvements that could significantly reduce Airport traffic on local streets as well as reduce local non-Airport-related traffic. The Study is funded with a Federal Highway Administration ("FHWA") grant that has a 20% local match obligation.

In September 2011 the Authority awarded contracts for the first two components of that Study to Emerson & Associates and to Unison Consulting for strategic planning and data collection and analysis, respectively. Staff and its project manager, Orangeline Development Authority ("OLDA"), are presently completing a combined Request for Qualifications & Proposals for the main body of the study, known as the Multi-Modal Ground Access Study ("MGAS").

On March 15, 2012, the City of Burbank ("City") and the Authority jointly released the results of a community opinion survey that was recently conducted by an independent professional research firm. That survey, commissioned by the City and Airport staffs, is the initial step in an ongoing process of the City and the Airport working together to create a future vision for the Airport, including the future disposition and/or development of the B-6 property.

The Airport Authority and the Burbank City Council each tasked their staffs to work together to address these issues as the Airport Land Use Working Group ("ALUWG"). That group has identified a need for outside consulting services that would provide valuable information about how the development of a new Metrolink Station at Bob Hope Airport, as well as other proposed transportation improvements that may result from the ground access study, could affect traffic congestion. Further, it would be useful to identify the types and magnitude of development that could be considered for the B-6 property that would be harmonious with the long-term objectives of the City and the community, and how this development could take advantage of, and benefit from, a new Metrolink Station at San Fernando Road and Hollywood Way and other forms of improved public transportation.

The City had previously sought to engage an outside planning firm to begin providing this core information. However, because of the State-mandated termination of the City's Redevelopment Agency and the funding that would have come from it to pay for this study, a different funding mechanism is now required.

On February 23, 2012, the Metropolitan Transportation Authority ("MTA") issued a supplemental round of requests for Transportation-Oriented Development ("TOD") proposals with up to \$1,000,000 in additional funding available to multiple public entities (MTA Staff Report and Program Guidelines attached). Staff believes that this solicitation provides an opportunity to provide the ALUWG a mechanism for generating useful background data about potential transit-related land use at and in the vicinity of the Bob Hope Airport, while at the same time providing a funding opportunity that would aid the Authority in meeting its local match requirement under the primary funding source for the ongoing Ground Access Study.

Staff proposes to partner with the City of Burbank as joint applicants for a \$350,000 portion of this potential TOD funding. The scope of work currently being drafted for the MGAS will be expanded to include a subsection that incorporates the additional scope that meets the City's needs and requirements. This potential opportunity has been discussed in broad terms with the Airport Land Use Working Group and Staff has also participated in a meeting with City staff exploring this opportunity in greater detail.

Applications are due to MTA on April 6, 2012. The MTA Program Guidelines require that an application from a Joint Powers Authority or Agency must also include a Letter of Support from "all targeted local governments." The City staff confirmed that this proposed joint application and an appropriate draft letter of support have been placed on the City's agenda for its March 27, 2012, City Council meeting.

Staff recommended that the Legal, Government and Environmental Affairs Committee recommend to the Authority that it support the direction Staff is pursuing in obtaining outside funding to assist both the Authority and the City of Burbank in studying transit-oriented development on and adjacent to the Airport.

There being no objection, the Committee agreed unanimously (3-0) to approve Staff's recommendation. This item will be placed on the agenda for the Commission's April 2, 2012, regular meeting.

In discussion with the Committee, it was determined that Letters of Support will be solicited from the City Managers of Glendale and Pasadena for submittal to the MTA along with the Letter of Support from the Burbank City Council to accompany the TOD application.

**d. Resolution Revising
Dates, Times and
Places of the
Standing Advisory
Committees**

At the March 7, 2012, Committee meeting, the Committee requested that Staff research the possibility of changing the Committee's meeting schedule to one comparable to that of the Finance and Administration Committee, i.e., at 10:30 a.m. or immediately following the Commission's regularly scheduled meetings (whichever occurs sooner) on the first and third Monday of each calendar month.

Included in the agenda packet was a draft resolution effecting this change for the Legal, Government and Environmental Affairs Committee, with its meetings to be conducted in the Burbank Room. The meetings of the Finance and Administration Committee will be conducted in the Airport Skyroom. Staff will plan to have two senior staff leads for each of the committees to ensure staff coverage of the meetings.

The Committee concurred with the draft resolution and this item will be placed on the Commission's April 2, 2012, agenda. Staff noted that should the resolution be approved by the Commission it would necessitate the reading of the AB 23 Disclosure at the beginning of each meeting of the Legal, Government and Environmental Affairs Committee. The disclosure is as follows: "As a result of the convening of this meeting of the Finance and Administration Committee, each Committee member is entitled to receive and shall be provided \$200."

**4. Other Legal,
Government and
Environmental Affairs
Matters**

This item was not discussed.

**5. Closed Session
(Second)**

The meeting recessed to closed session at 8:38 a.m. to consider the items listed on the closed session agenda and to confer with legal counsel regarding existing and potential litigation.

The meeting reconvened to open session at 10:15 a.m. with Commissioners Wiggins and Quintero present. Chairman Wiggins announced that there was no reportable action taken in closed session.

6. Adjournment

There being no further business, the meeting was adjourned at 10:15 a.m.

STAFF REPORT PRESENTED TO THE
BURBANK-GLENDALE-PASADENA AIRPORT AUTHORITY
LEGAL, GOVERNMENT AND
ENVIRONMENTAL AFFAIRS COMMITTEE
APRIL 4, 2012

AWARD OF CONTRACT, PROJECT NUMBER E11-25
RESIDENTIAL ACOUSTICAL TREATMENT PROGRAM MODULE 12.13

SUMMARY

Staff seeks a Legal, Government and Environmental Affairs Committee recommendation to the Authority that it award a contract for Residential Acoustical Treatment Program ("RATP") Module 12.13 to Karabuild Development, Inc. in the amount of \$629,999. Staff also seeks authorization for contingency of approximate 5% contingency not to exceed \$31,500 to permit Staff to approve any changes in scope that should arise during the course of construction.

Module 12.13 acoustically treats 36 single-family condominium residences. This condominium complex is located in North Hollywood.

PROJECT OUTREACH

Staff solicited sealed bids for the Burbank-Glendale-Pasadena Airport Authority Residential Acoustical Treatment Program ("RATP") Module 12.13 by advertising in the *Dodge Construction News* and 21 local, minority and small business newspapers, public postings on the Authority and Pasadena websites, and postings in the Burbank, Glendale and Pasadena city halls.

PROJECT DETAILS

Bids were opened publicly on March 8, 2012, and (6) bids were received with the following results:

MODULE 12.13			
Bidder	Bid	DBE Participation	Significant Bid Defects?
Karabuild Development, Inc. (Encino)	\$629,999	No	None
DAB Construction, Inc. (Sunland)	\$641,400	No	None
Interlog Corporation (Brea)	\$641,551	No	None
S&L Specialty Contracting, Inc. (Syracuse, NY)	\$647,100	Yes (% not listed)	None
Sigma Services, Inc. (Ventura)	\$719,095	Yes (% not listed)	None
Olympos Painting, Inc. (Van Nuys)	\$864,000	No	None

Karabuild Development, Inc. has satisfactorily completed several previous modules.

ENGINEER'S ESTIMATE: The Engineer's estimate for this module is \$639,108, or an average of \$17,753 per home. This average amount was based on unit prices from previous RATP modules for condominium residences. This estimated amount is slightly higher than the actual bid average cost for Module 12.13 of \$17,500 per home.

FUNDING: The funding for this module is included in the FY 2012 budget line item that allocates \$7,000,000 for residential acoustical treatment. Funding will come from existing Federal Aviation Administration Airport Improvement Program (AIP) grant no. 3-06-0031-47, Passenger Facility Charges ("PFC") and Authority general funds. PFC funds will be used to cover the sponsor's 20% AIP grant match and Authority funds will be used to cover costs for ineligible expenses (primarily reimbursement to single-family residence participants for building code deficiency corrections up to \$7,500).

IMPACT ON REVENUES: None

SCHEDULE: RATP Module 12.13 is expected to commence within 14 days after award by the Authority and will be completed within 210 days thereafter.

IMPACT ON OPERATIONS: RATP Module 12.13 will not have any impact on airport operations.

CONTINGENCY: Staff recommends a contingency for RATP Module 12.13 of approximately 5%, not-to-exceed \$31,500, to permit Staff to approve any changes in scope that should arise during the course of construction.

STAFF RECOMMENDATION

Staff seeks a Legal, Government and Environmental Affairs Committee recommendation to the Authority that it award a contract for RATP Module 12.13 to Karabuild Development, Inc. in the amount of \$629,999, plus authorize an approximate 5% contingency not to exceed \$31,500 to permit Staff to approve any changes in scope that should arise during the course of construction.

**STAFF REPORT PRESENTED TO THE
BURBANK-GLENDALE-PASADENA AIRPORT AUTHORITY
LEGAL, GOVERNMENT AND COMMITTEE
AND ENVIRONMENTAL AFFAIRS COMMITTEE
APRIL 4, 2012**

**CONSULTANT SELECTION FOR
DESIGN AND CONSTRUCTION MANAGEMENT SERVICES FOR THE
RESIDENTIAL ACOUSTICAL TREATMENT PROGRAM**

SUMMARY

Staff has completed the first of two phases of a qualifications-based selection process for the procurement of a qualified consultant for design and construction management of the Authority's ongoing Residential Acoustical Treatment Program ("RATP"). Staff seeks Committee concurrence to negotiate a professional services agreement, including fee, with Wyle Laboratories, Inc. ("Wyle") to bring back to the Committee for final consideration as detailed below.

BACKGROUND

Through December 31, 2011, the Authority has received \$75,045,865 in federal grants for residential acoustical treatment and has provided sound insulation to a total of 1,859 parcels consisting of 2,123 units in the communities of Burbank, North Hollywood and Sun Valley, with another 246 units in design or under construction. Staff continues to aggressively pursue all remaining eligible property owners.

On February 17, 2007, the Authority entered into a work-order based Professional Services Agreement with Wyle Laboratories and in March 2010 exercised renewal options for years four and five for design and construction management services for the ongoing RATP program. In February 2012 this Agreement was extended on a month-to-month basis for a period not to extend beyond June 30, 2012 ("Current Agreement").

The Authority is also concurrently conducting a Part 150 Study which would result in new Noise Exposure Maps which serve as the basis for RATP eligibility. Because of the uncertainty about what the future of the RATP program will be after the Part 150 Study is completed, Staff had sought FAA approval to extend the existing agreement with Wyle for an additional one-year term. This recommendation was supported locally by the FAA's Los Angeles Airport District Office. However, as reported to the Committee previously, in late November Staff received notice from the FAA indicating that following review, FAA Headquarters denied the request and, in turn, instructed that the Airport seek new qualifications-based proposals for the program.

Staff, in accordance with federal guidelines for the selection of consultants, publicly advertised a Request for Qualifications ("RFQ") seeking to find highly qualified firms interested in providing the necessary specialized design and construction management services. A Pre-Submittal Conference was held on January 19, 2012, and was attended by the following seven (7) firms:

Acentech
C& S Companies
CSDA Architects
Jones Payne Group

KDG Architects
THC
Wyle Laboratories

Qualification Statements were due on February 16, 2012; two responses were received from the following firms:

<u>Company</u>	<u>Primary Offices</u>
<ul style="list-style-type: none">• Jones Payne Group• Wyle Laboratories, Inc.	<ul style="list-style-type: none">Boston, MAEl Segundo, CA

CONSULTANT SELECTION

A review panel consisting of Mark Hardymont, Sidney Allen and Maggie Martinez evaluated the submittals based on the criteria listed below:

- Ability to satisfactorily complete all aspects of the RATP Project
- Capability to perform all aspects of the project "in-house".
- Pre-Qualification of acoustical product suppliers
- Recent extensive airport noise acoustical treatment
- Willingness to establish and provide office facilities adjacent to airport
- Implementation of Affirmative Action Plan
- Availability of staff for assignment to the airport location
- Key personnel's professional background & experience
- Compliance with and proposal to meet Authority's DBE goals
- Commitment to agree to all contract terms and conditions including QA/QC requirements

Based on the combined rating of the review panel, these firms were ranked as follows:

1. Wyle Laboratories
2. Jones Payne Group

Federal guidelines require that the most qualified consultant be selected by the Authority before seeking a detailed cost proposal from that consultant for the proposed scope of services for the project. Based on the submittals, both firms are capable of providing the Authority with the necessary services.

However, detailed review of the proposals identified a key differential between the two firms. That differential was in the commitment of local staff. Jones Payne Group drew heavily on the resources at other similar Southern California area programs for local supervision and management. The proposed Project Manager would continue to reside and be based in Ontario providing oversight on a weekly basis as opposed to a daily presence. By contrast, Wyle proposed to maintain the current staffing at its on-airport facility and would use other similar Southern California projects as a resource to either draw additional resources from or to utilize to shift design personnel to based on the Authority's changing Program needs.

The mature nature of the Authority's program and the uncertainty of the duration for the remainder of the program did have a profound influence. This is borne out not only in the difference in approach between the Wyle and Jones Payne submittals but also by the fact that seven qualified firms attended the pre-submittal conference in January; however, when presented with the status of the program, only two firms chose to submit qualifications statements.

Staff seeks a recommendation from the Committee to solicit a cost proposal from Wyle. If the Committee concurs, Staff will then request a proposal from Wyle, and will bring back a negotiated proposed professional services agreement, including fee, to the Committee for further consideration.

FUNDING

RATP funding is primarily derived from federal grants, with a 20% matching share using Passenger Facility Charge ("PFC") funds, as well as Authority funds for code deficiency correction with a maximum of \$7,500 in such code deficiency funding per owner-occupied residence. The Authority currently has sufficient grant funding to cover all of the costs associated with all of the eligible single-family homes that have expressed an interest in participating in the program.

STAFF RECOMMENDATION

Staff seeks Legal, Government and Environmental Affairs Committee concurrence for authorization to solicit a cost proposal and to negotiate a Professional Services Agreement with Wyle Laboratories, Inc. and for Staff to bring the results of this negotiation back to the Committee for further consideration.