



September 16, 2021

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

NOTICE is hereby given that the regular meeting of the Legal, Government and Environmental Affairs Committee will be held Monday, September 20, 2021, at 9:30 a.m., or immediately following the Commission meeting, in the Burbank Room of Hollywood Burbank Airport, 2627 N. Hollywood Way, Burbank, California 91505.

Pursuant to Governor Newsom's Executive Order N-29-20, members of the Commission or staff may participate in this meeting via teleconference. In the interest of maintaining appropriate social distancing, members of the public may observe and participate in the meeting telephonically. For meeting efficiency, the public comment line will open at 8:30 a.m. to begin caller screening and placement into the queue through the following number:

(818) 862-3332

Terri Williams, Board Secretary
Burbank-Glendale-Pasadena Airport Authority

REGULAR MEETING
OF THE
LEGAL, GOVERNMENT AND ENVIRONMENTAL AFFAIRS COMMITTEE

Burbank Room
Monday, September 20, 2021
9:30 a.m., or Immediately Following
the Conclusion of the
Commission Meeting

As a result of the convening of this meeting of the Legal, Government and Environmental Affairs Committee, each Committee member in attendance is entitled to receive and shall be provided \$200.

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The public comment period is the opportunity for members of the public to address the Committee on agenda items and on airport-related non-agenda matters that are within the Committee's subject matter jurisdiction. At the discretion of the presiding officer, public comment on an agenda item may be presented when that item is reached.

Members of the public are requested to observe the following decorum when attending or participating in meetings of the Committee:

- *Turn off cellular telephones and pagers.*
- *Refrain from disorderly or boisterous conduct, including loud, threatening, profane, or abusive language, clapping, whistling, stamping, or other acts that disrupt or otherwise render unfeasible the orderly conduct of the meeting.*
- *If you desire to address the Committee during the public comment period, fill out a speaker request card and present it to the Board Secretary.*
- *Confine remarks to agenda items or to airport-related non-agenda matters that are within the Committee's subject matter jurisdiction.*
- *Limit comments to five minutes or to such other period of time as may be specified by the presiding officer.*

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The following activities are prohibited:

- *Allocation of speaker time to another person.*
- *Video presentations requiring use of Authority equipment.*

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Any disclosable public records related to an open session item on a regular meeting agenda and distributed by the Authority to the Committee less than 72 hours prior to that meeting are available for public inspection at Hollywood Burbank Airport (2627 N. 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

Monday, September 20, 2021

1. Roll Call
2. Staff Announcement: AB 23
3. Approval of Agenda
4. Public Comment
5. Approval of Minutes
 - a. August 16, 2021 *[See page 1]*
6. Items for Approval
 - a. Extension of Deferral of Art Covenant Agreement *[See page 4]*
Regional Intermodal Transportation Center Art Panels Project

Staff seeks a Legal, Government and Environmental Affairs Committee recommendation to the Commission that it approve a proposed Extension of Deferral of Art Covenant Agreement with the City of Burbank to afford the Authority an additional 24 months to provide public artwork at the Regional Intermodal Transportation Center in compliance with the City's Art in Public Places requirement.
 - b. Boeing Distribution, Inc. (formerly Aviall Services, Inc.) *[See page 8]*
Access Agreement

Staff seeks a Legal, Government and Environmental Affairs Committee recommendation to the Commission for approval of an Environmental Access License Agreement with Boeing Distribution, Inc. (formerly known as Aviall Services, Inc.). The Agreement will allow Boeing to have limited access to the Authority's real property located at 3111 Kenwood Street, Burbank, to drill and collect certain soil investigations as required by the California Regional Water Quality Control Board, Los Angeles Region.
7. Closed Session
 - a. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION
Significant Exposure to Litigation (California Government Code Section 54956.9(d)(2)): 1 potential case. Facts and Circumstances: FAA Southern California Metroplex Project
 - b. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
(California Government Code Section 54956.9(d)(1))
Name of Case: City of Los Angeles v. FAA et al. (Case No. 21-71170)

8. Items for Information

a. Committee Pending Items

[See page 10]

9. Adjournment

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

MONDAY, AUGUST 16, 2021

A regular meeting of the Legal, Government and Environmental Affairs Committee was called to order on this date in the Burbank Room, 2627 N. Hollywood Way, Burbank, California, at 11:35 a.m., by Commissioner Agajanian.

1. ROLL CALL

Present: Commissioners Agajanian, Williams, Gabel-Luddy

Absent: None

Also Present: Staff: Frank Miller, Executive Director; John Hatanaka, Senior Deputy Executive Director; Patrick Lammerding, Deputy Executive Director, Planning and Development; Maggie Martinez, Manager, Noise and Environmental Compliance

Authority Counsel: Tom Ryan of McDermott, Will & Emery and Terence R. Boga of Richards, Watson & Gershon

Airport Authority Consultant: Lisa Trifiletti of Trifiletti Consulting, Inc. (via teleconference)

2. Staff Announcement: AB 23

The Assistant Board Secretary announced that, as a result of the convening of this meeting of the Legal, Government and Environmental Affairs Committee, each Committee member in attendance is entitled to receive and shall be provided \$200.

3. Approval of Agenda

The agenda was approved as presented.

4. Public Comment

There were no public speakers.

5. Approval of Minutes

a. July 19, 2021

Commissioner Gabel-Luddy moved approval of the minutes of the July 19, 2021 meeting, seconded by Commissioner Williams. There being no objection, a roll call vote was taken, and the motion was approved (3-0).

6. Items for Approval

Note: Commissioner Williams recused herself from the discussion of Item No. 6.a. at 11:45 a.m.

**a. Professional Services Agreement
Trifiletti Consulting, Inc.**

Staff sought a Committee recommendation to the Commission for approval of a proposed Professional Services Agreement with Trifiletti Consulting Inc. for FY 2022 in the amount of \$53,000 for continued support services with environmental, entitlement, land use, sustainability and government advisory services in support of the implementation of the Authority's Memorandum of Understanding with the South Coast Air Quality Management District.

Motion

Commissioner Gabel-Luddy moved approval of Staff's recommendation, seconded by Commissioner Agajanian.

Motion Approved

There being no objection, a roll call vote was taken, and the motion was approved (2-0, 1 absent).

Note: Commissioner Williams re-joined the meeting at 11:50 a.m. after the vote was taken on Item No. 6a.

**b. Award of Professional Services
Agreements - Replacement
Passenger Terminal Program**

In January of this year, Staff and the airlines serving Hollywood Burbank Airport began the process to restart the Replacement Passenger Terminal Program with the goal to open the Replacement Passenger Terminal and complete all improvements as early as financially feasible. In conjunction with this effort, Staff sought a Committee recommendation to the Commission for approval of six Professional Services Agreements. The services these consultants provide include strategic planning, outreach and support, financial feasibility, and technical support and airline coordination related to the development of the Program.

Motion

Commissioner Williams moved approval of Staff's recommendation, seconded by Commissioner Gabel-Luddy.

Motion Approved

There being no objection, a roll call vote was taken, and the motion was approved (3-0).

7. Closed Session

The meeting recessed to closed session at 12:00 p.m. to consider the items listed on the closed session agenda and to confer with legal counsel.

**a. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
(California Government Code Section 54956.9(d)(1))
Name of Case: City of Los Angeles v. FAA et al. (Case No. 21-71170)**

The meeting reconvened to open session at 12:25 p.m., with all 3 Commissioners present. No reportable action taken on the presented item.

8. Items for Information

a. Committee Pending Items

Staff informed the Committee of future pending items that will come to the Committee for review.

9. Adjournment

There being no further business, the meeting was adjourned at 12:26 p.m.

**STAFF REPORT PRESENTED TO THE
BURBANK-GLENDALE-PASADENA AIRPORT AUTHORITY
LEGAL, GOVERNMENT AND ENVIRONMENTAL AFFAIRS COMMITTEE
SEPTEMBER 20, 2021**

**EXTENSION OF DEFERRAL OF ART COVENANT AGREEMENT
REGIONAL INTERMODAL TRANSPORTATION CENTER
ART PANELS PROJECT**

Presented by Scott Kimball
Deputy Executive Director,
Operations, Business, Procurement and Safety

SUMMARY

Staff seeks a Legal, Government and Environmental Affairs Committee (“Committee”) recommendation to the Commission that it approve a proposed Extension of Deferral of Art Covenant Agreement (“Extension Agreement”) with the City of Burbank (“City”) to afford the Authority an additional 24 months to provide public artwork at the Regional Intermodal Transportation Center (“RITC”) in compliance with the City’s Art in Public Places (“APP”) requirement.

BACKGROUND

The entitlements for the RITC include an obligation to comply with the APP requirement of the Burbank Zoning Ordinance. The investment in public art at the RITC is based on a formula that requires a minimum cost of \$377,198. In 2014, the Authority executed a Deferral of Art Covenant Agreement (“Agreement”) with the City and posted a bond to assure compliance with the APP Program. The Agreement gives the Authority five years from the Certificate of Occupancy for the RITC to satisfy the APP requirement. That period expired on August 16, 2021, but prior to this date, Staff initiated discussions with the City to extend the deadline.

Staff initially began the implementation of a public art project for the RITC in September 2015 with the engagement of an art consultant to assist the Commission and Staff in meeting the goals of the APP requirement. Additionally, as the original concept was to reflect the relationship of the Authority’s three members cities, the art consultant was required to coordinate the public art project with the Burbank, Glendale, and Pasadena art commissions.

The Commission concurred with the art consultant’s recommendation to use a single artist for the first five art panels along Hollywood Way. A five-member selection committee consisting of representatives from the member cities’ art commissions, Airport staff, and the art consultant conducted the search. This culminated in a recommendation to the Commission in December 2016 for a contract award to an artist with fifteen years of professional art experience. The artist was provided a notice to proceed in February 2017. However, his proposed art concept ultimately did not garner the Commission’s support, and in September 2018, the Commission terminated the contracts with the artist and the art consultant.

STAFF REPORT/LEGAL/09-20-2021
EXTENSION OF DEFERRAL OF ART COVENANT AGREEMENT
REGIONAL INTERMODAL TRANSPORTATION CENTER
ART PANELS PROJECT
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In August 2019, Staff presented the Commission with an alternate concept that would place bronze statues in the RITC Transit Station area instead of utilizing the art panel frames. This concept was not approved by the Commission, and Staff began to review the available options for the program until March 2020 when the impacts of the COVID-19 pandemic required Staff to focus on the day-to-day operations of the Airport.

In order to develop suitable and acceptable public art for the RITC, Staff reached out to the City of Burbank's staff for assistance. The result of these discussions is the proposed Extension Agreement. If approved by the Commission and the Burbank City Council, Staff will return to the Committee within 60 days with a revised public art project concept utilizing the RITC's art panel columns. Staff has confirmed with the surety that the bond will be extended for two years upon execution of the Extension Agreement.

FUNDING

As a required component of the RITC, the art panels project requirement of \$377,198 is and continues to be funded through an existing construction fund established for the RITC.

STAFF RECOMMENDATION

Staff seeks the Committee's recommendation to the Commission that it approve the proposed Extension Agreement to allow an additional two years to satisfy the City's APP requirement for the RITC and authorize the Authority President to execute the same.

EXTENSION OF DEFERRAL OF ART COVENANT AGREEMENT

PARTIES:

THE CITY OF BURBANK,
a municipal corporation
275 E. Olive Avenue
Burbank, CA 91502
Attention: Marisa Garcia
(hereinafter the "City")

Burbank-Glendale-Pasadena Airport Authority
2627 North Hollywood Way
Burbank, CA 91505
(hereinafter the "Covenantor")

SUBJECT PROPERTY:

Regional Intermodal Transportation Center (RITC) at the Bob Hope Airport
in the City of Burbank, County of Los Angeles, State of California.

RECITALS:

A. Covenantor is the owner of Subject Property and on June 20, 2014 entered into a Deferral of Art Covenant Agreement with the City for a certificate of occupancy permit pursuant to the Burbank Municipal Code, for the Subject Property.

B. On March 15, 2021, the parties desire to enter into an Extension of Deferral of Art Covenant Agreement, to provide for an additional twenty-four (24) months for Covenantor to complete the artwork required by the City's Art in Public Places Program.

DECLARATION:

In consideration of the above recitals, and the approval and issuance of the building permit and the mutual covenants and agreements contained in this Extension Agreement, the parties hereto agree as follows:

1. Paragraph 2 of the Deferral of Art Covenant Agreement is amended to read as follows:

"2. To encourage the completion of the required artwork on-site, the City agrees to hold the Bond to assure compliance with the

APP Program. City agrees to return the Bond immediately upon proof that adequate approved on-site artwork has been constructed on Subject Property. Covenantor agrees to renew the Bond until the earlier of: the completion of the on-site artwork or seven (7) years after the issuance of the certificate of occupancy for the Subject Property. The completion date shall be extended to August 12, 2023. In the event that such artwork fails to be completed in accordance with this Agreement, the City shall apply all or part of the Bond to the Citywide Art in Public Places Fund in accordance with the Burbank Municipal Code, and the parties shall have no further recourse against each other. ”

2. All other terms and provisions of the “Deferral of Art Covenant Agreement” not inconsistent with this Extension Agreement shall remain in full force and effect.

Executed this 30th day of July, 2021 at Burbank, California.

"CITY"

"COVENANTOR"

CITY OF BURBANK, a municipal corporation

Burbank-Glendale-Pasadena Airport Authority

By: _____
Name: _____
Title: _____

By: _____
Name: _____
Title: _____

Approved as to Form
Iain MacMillan, Assistant City Attorney

By: _____

**STAFF REPORT PRESENTED TO THE
BURBANK-GLENDALE-PASADENA AIRPORT AUTHORITY
LEGAL, GOVERNMENT AND ENVIRONMENTAL AFFAIRS COMMITTEE
SEPTEMBER 20, 2021**

**BOEING DISTRIBUTION, INC. (FORMERLY AVIALL SERVICES, INC.)
ACCESS AGREEMENT**

Presented by Mark Hardymont
Director, Noise & Environmental Programs

SUMMARY

Staff seeks a Legal, Government and Environmental Affairs Committee (“Committee”) recommendation to the Commission for approval of an Environmental Access License Agreement (“Agreement”), copy attached, with Boeing Distribution, Inc. (formerly known as Aviall Services, Inc.) (“Boeing”). The Agreement will allow Boeing to have limited access to the Authority’s real property located at 3111 Kenwood Street, Burbank (“Property”) to drill and collect certain soil investigations as required by the California Regional Water Quality Control Board, Los Angeles Region (“LARWQCB”).

BACKGROUND

The Authority is the current owner of the Property. Boeing, a former owner of and operator on the Property, received an October 11, 2019 order from the LARWQCB requiring the submission of a work plan for the performance of certain soil investigations on the Property.

Boeing submitted a Per-and Polyfluoroalkyl (“PFAS”) Soil Investigation Workplan to the LARWQCB on March 27, 2020 (“Workplan”). A copy of the Workplan is attached as Exhibit 1 to the proposed Agreement. Because it no longer owns the Property, Boeing desires an access agreement allowing it to enter the Property to perform the activities specified in the Workplan (including any modifications or amendments requested by the LARWQCB) and to perform any other work that the LARWQCB requires of it at the Property (the “Permitted Work”). The LARWQCB approved the Workplan and required the submittal of results by October 19, 2020. By supplemental letters, the LARWQCB approved an extension of the deadline for submitting the results to February 3, 2021 and later to July 31, 2021.

PROPOSED ACCESS AGREEMENT

In response to a request from Boeing for an access agreement with the Authority, Staff and legal counsel have prepared the attached Agreement. The proposed Agreement provides for access to Boeing in exchange for Boeing’s agreement to indemnify and defend the Authority against any claims arising from Boeing’s activities on the Property in connection with the Permitted Work. Boeing’s access rights under the Agreement are further conditioned upon: (i) compliance with all FAA regulations and guidance for working in or near an operating airport; (ii) Boeing’s contractor providing proof of current Comprehensive General Liability and Automobile Liability as well as Pollution Legal Liability insurance in the amount of \$2,000,000 per occurrence; and (iii) returning the Property to the condition it was in prior to commencement of any of the Permitted Work, including the filling of any holes created by the soil borings with an appropriate cement mixture.

FISCAL IMPACTS

There are no fiscal impacts from the proposed Agreement.

STAFF RECOMMENDATION

Staff seeks a Committee recommendation to the Commission for approval of the Agreement with Boeing.

**BURBANK-GLENDALE-PASADENA AIRPORT AUTHORITY
LEGAL GOVERNMENT AND ENVIRONMENTAL AFFAIRS COMMITTEE
SEPTEMBER 20, 2021**

COMMITTEE PENDING ITEMS

Future

1. Adoption of proposed Automatic License Plate Recognition System (ALPRS) policy
2. Restricted Land Covenant – Adjacent Parcel; RWQCB