



March 31, 2022

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, April 4, 2022, 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 Government Code Section 54953(e), members of the Committee may participate in this meeting via teleconference. In the interest of maintaining appropriate social distancing, a physical location is not being provided for the public to attend or comment. Members of the public may observe the meeting telephonically and may offer comment in real time 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, April 4, 2022
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.

When in-person attendance or participation at meetings of the Commission is allowed, members of the public are requested to observe the following rules of decorum:

- *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.

AGENDA

Monday, April 4, 2022

1. Roll Call
2. Staff Announcement: AB 23
3. Approval of Agenda
4. Public Comment
5. Approval of Minutes
 - a. March 21, 2022 [See page 1]
6. Items for Approval
 - a. Amendment No. 1 to Professional Services Agreement
Trifiletti Consulting, Inc. [See page 3]

Staff seeks a Legal, Government and Environmental Affairs Committee recommendation to the Commission for approval of Amendment No. 1 to the Professional Services Agreement with Trifiletti Consulting Inc. to provide for continued environmental, transportation, 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. The proposed Amendment is for a not-to-exceed amount of \$43,000 for these services through June 30, 2022.
7. Items for Information
 - a. Committee Pending Items [See page 12]
8. Adjournment

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

MONDAY, MARCH 21, 2022

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 11:42 a.m., by Commissioner Agajanian.

1. ROLL CALL

Present: Commissioners Agajanian (via teleconference),
Williams and Gabel-Luddy

Absent: None

Also Present: Staff: Frank Miller, Executive Director;
Patrick Lammerding, Deputy Executive Director,
Planning and Development; Maggie Martinez,
Director, Noise and Environmental Affairs

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

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 Commissioner Williams moved approval of the agenda, seconded by Commissioner Gabel-Luddy. There being no objection, the motion was approved (3-0).

4. Public Comment There were no public comments.

5. Approval of Minutes

a. February 22, 2022 Commissioner Williams moved approval of the minutes of the February 22, 2022 special meeting, seconded by Commissioner Gabel-Luddy. There being no objection, a voice vote was taken to accommodate the Commissioner participating via teleconference. The motion was approved (3-0).

6. Items for Approval

a. Annual Noise CPI Adjustment

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") each January. The January 2022 CPI for All Urban Consumers in the Los Angeles, Long Beach and Anaheim area increased approximately 7.5% when compared to the January 2021 index.

Accordingly, Staff recommended that the Committee recommend to the full Commission increases to the current Rules 8 and 9 noise violation fines by 7.5% effective April 1, 2022, as follows: Rule 8, first violation, increased to \$1,738; Rule 8, subsequent violations, increased to \$2,524; and Rule 9, each violation, increased to \$5,055.

Motion

Commissioner Gabel-Luddy moved approval of Staff's recommendation with the stipulation that the Committee continues to look for areas where noise violation fines can be increased commensurate with the value and cost of plane operations. Commissioner Williams seconded the motion.

Motion Approved

There being no objection, a voice vote was taken to accommodate the Commissioner participating via teleconference. The motion was approved (3-0).

7. Items for Information

a. Committee Pending Items

Staff requested Item No. 7., Items for Information be addressed later due to time constraints for Authority Counsel.

8. Closed Session

The meeting recessed to closed session at 11:49 a.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 11:55 a.m. with all three Commissioners present. No reportable action was taken on the presented item.

9. Adjournment

There being no further business, the meeting was adjourned at 11:57 a.m.

**STAFF REPORT PRESENTED TO THE
BURBANK-GLENDALE-PASADENA AIRPORT AUTHORITY
LEGAL, GOVERNMENT AND ENVIRONMENTAL AFFAIRS COMMITTEE
APRIL 4, 2022**

**AMENDMENT NO. 1 TO
PROFESSIONAL SERVICES AGREEMENT
TRIFILETTI CONSULTING, INC.**

Presented by Maggie Martinez
Director, Noise & Environmental Affairs

SUMMARY

Staff seeks a Legal, Government and Environmental Affairs Committee (“Committee”) recommendation to the Commission for approval of Amendment No. 1 (“Amendment”) to the Professional Services Agreement with Trifiletti Consulting Inc. (“Trifiletti”), copy attached, to provide for continued environmental, transportation, entitlement, land use, sustainability, and government advisory services in support of the implementation of the Authority’s Memorandum of Understanding (“MOU”) with the South Coast Air Quality Management District (“SCAQMD”). The proposed Amendment is for a not-to-exceed amount of \$43,000 for these services through June 30, 2022.

BACKGROUND

In August 2021, the Commission approved a Professional Services Agreement with Trifiletti in the amount of \$53,000 for FY 2022 for continued support with the implementation of the Authority’s MOU with the SCAQMD. The proposed Amendment will allow Trifiletti to continue to assist Staff to prepare and submit the required semi-annual and annual reporting to the SCAQMD; to assist with implementation of the Air Quality Improvement Plan (“AQIP”) measures that were developed as part of a collaborative effort with the SCAQMD; and to present status reports to the Commission. These services will be billable on a time and materials basis, not to exceed \$43,000. If the proposed Amendment is approved, the total proposed compensation under this contract will be \$96,000.

The COVID-19 pandemic significantly disrupted air travel and forced the Authority, airlines, ground support equipment (“GSE”) operators, and many third parties to reevaluate capital plans and allocation of resources. Many airlines, GSE operators, and third parties suspended capital expenditures and programs such as the Airport’s Shuttle Service program. As the number of COVID-19 cases go down nationally and air travel demand starts to recover, there is a renewed focus to advance the efforts to implement the AQIP measures that were developed as part of a collaborative effort with the SCAQMD. The increase in funding authorization will provide for additional support services anticipated to be needed from Trifiletti through the end of the FY 2022. These additional services will assist the Authority in complying with the MOU and monitoring MOU-related and airport-related regulatory actions with the SCAQMD including development of required emissions inventories and calendar year 2021 progress reports that are due in June 2022.

FUNDING

The appropriations for the initial services were contained in the adopted FY 2022 budget. Due to the positive revenues in the first half of the fiscal year, Staff feels the additional proposed expense can be accommodated.

STAFF RECOMMENDATION

Staff seeks a Committee recommendation to the Commission to approve the proposed Amendment with Trifiletti for continued support services with the Authority's MOU with the SCAQMD and to authorize the President to execute the same.

**AMENDMENT NO. 1 TO
PROFESSIONAL SERVICES AGREEMENT**
(Burbank-Glendale-Pasadena Airport Authority / Trifiletti Consulting, Inc.)

This Amendment No. 1 (“First Amendment”) to the August 16, 2021 Professional Services Agreement (“Agreement”) executed by the Burbank-Glendale-Pasadena Airport Authority (“Authority”), a California joint powers agency, and Trifiletti Consulting, Inc. (“Consultant”), a California corporation, is dated April 18, 2022 for reference purposes.

R E C I T A L S

A. The parties executed the Agreement to provide for the Authority’s retention of Consultant as an independent contractor to provide the following professional services: environmental, entitlement, land use, sustainability, and governmental consulting.

B. The parties desire to amend the Agreement to: (i) expand the scope of services; and (ii) increase the contract limit.

NOW, THEREFORE, the parties agree as follows:

1. Amendment of Section 1. Section 1 (Definitions) of the Agreement is amended to read as follows:

“1. Definitions. In addition to the terms defined above, the following definitions shall apply for purposes of this Agreement:

A. ‘Contract Administrator’: Patrick Lammerding or a duly authorized designee.

B. ‘Contract Limit’: Ninety-six thousand dollars (\$96,000).

C. ‘Executive Director’: Frank R. Miller or a duly authorized designee.

D. ‘Federal Requirements’ the federal requirements set forth in the attached Exhibit D, which requirements are applicable to projects not funded by an Airport Improvement Program grant from the Federal Aviation Administration.

E. ‘Fee Schedules’: collectively, the Original Fee Schedule and the Supplemental Fee Schedule.

F. ‘Indemnitees’: the Authority, TBI Airport Management, Inc., the Cities of Burbank, Glendale, and Pasadena, and the respective officers, agents, employees, and volunteers of each such entity.

G. ‘Insurance Requirements’: the insurance requirements set forth in the attached Exhibit C.

H. ‘Original Fee Schedule’: the fee schedule set forth in the attached Exhibit B.

- I. 'Original Services': the tasks set forth in the attached Exhibit A.
 - J. 'Services': collectively, the Original Services and the Supplemental Services.
 - K. "Supplemental Fee Schedule": the fee schedule set forth in the attached Exhibit B-1.
 - L. "Supplemental Services": the tasks set forth in the attached Exhibit A-1."
- 2. Amendment of Section 4.** Paragraph A of Section 4 (Compensation) of the Agreement is amended to read as follows:
- "A. The Authority shall compensate Consultant for performance of the Services, and Consultant agrees to accept as full satisfaction for such work, payment according to the Fee Schedules. In no event shall the compensation payable to Consultant under this Agreement exceed the Contract Amount."
- 3. Addition of Exhibits.** The attached Exhibits A-1 and B-1 are added to the Agreement and incorporated by reference.
- 4. Counterparts.** This First Amendment may be executed in any number of counterparts, each of which shall be deemed an original and all of which taken together shall constitute one and the same document.
- 5. Effective Date.** This First Amendment shall be effective upon execution.
- 6. Preservation of Agreement.** Except as expressly modified by this First Amendment, all of the provisions of the Agreement shall remain unaltered and in full force and effect. In the event of a conflict between the provisions of this First Amendment and the provisions of the Agreement, the provisions of this First Amendment shall control.

[SIGNATURES ON FOLLOWING PAGE]

TO EXECUTE THIS FIRST AMENDMENT, the parties have caused their duly authorized representatives to sign below.

Trifiletti Consulting, Inc.

By: 

Print Name: Lisa Trifiletti

☐ Chairperson ☒ President ☐ Vice President

By: _____

Print Name: _____

☐ Secretary ☐ Asst. Secretary
☐ Chief Finance Officer ☐ Asst. Treasurer

[Pursuant to California Corporations Code Section 313, both signature lines must be executed unless the signatory holds at least one of the offices designated on each line.]

Burbank-Glendale-Pasadena Airport Authority

Paula Devine, President

Approved as to form:

Richards, Watson & Gershon
A Professional Corporation

EXHIBIT A-1
Supplemental Scope of Services

Trifiletti Consulting, Inc. shall assist Hollywood Burbank Airport by providing the following environmental, entitlement, land use, sustainability and governmental consulting on complex airport and transportation aviation projects and related professional services:

ENVIRONMENTAL CONSULTING/ADVISORY SERVICES:

- Advise on air quality improvement and sustainability policies as necessary to support the entitlement efforts at Hollywood Burbank Airport, including but not limited to coordination with the South Coast Air Quality Management District (“SCAQMD”) on airport-related updates to the future Air Quality Management Plan (AQMP), SCAG’s latest Regional Transportation Plans, and its relationship to future MOUs with the SCAQMD.
- Provide strategic land use, environmental, entitlement, real estate, transportation, and governmental/public outreach consulting for airport projects, and advise, review, or prepare, as requested, environmental review documents for airport projects in compliance with the California Environmental Quality Act and the National Environmental Policy Act.
- Manage and partner with subconsultant, CDM Smith, to develop the 2021 annual emission inventories required under Burbank’s MOU with the SCAQMD. CDM Smith’s detailed scope and fee is depicted in Exhibit C for your reference.
- Lead the facilitation and coordination work with the SCAQMD, including the production of the annual status report to the SCAQMD and representation at the SCAQMD Airports Working Group.
- Provide project support on the implementation and monitoring of Air Quality Improvement Program (AQIP) measures in the MOU with the SCAQMD.

All consulting services and related professional services shall be completed to the satisfaction of the Hollywood Burbank Airport Deputy Executive Director of Planning & Development or any other appropriate designee of the Executive Director.

All advice provided by Trifiletti Consulting shall be reviewed in a significant, substantive manner by Hollywood Burbank Airport Deputy Executive Director of Planning & Development or any other appropriate designee of the Executive Director, and Trifiletti Consulting shall not have the independent authority to enter into or approve any contracts, issue any permits, or adopt or approve any plan, report, policy, etc., on behalf of Hollywood Burbank Airport.

When interacting with Hollywood Burbank Airport personnel, other Agencies, stakeholders, the public, etc. pursuant to this Agreement, Trifiletti Consulting shall solely represent Hollywood Burbank and its interests.

Summary Scope of Work

Annual Ground Support Equipment (GSE) Emission Factors & Inventory

Beginning last year (2021), and every year thereafter through 2032 (total of 12 years), BUR will be required to provide an annual GSE emissions inventory and GSE emissions factor report for the previous calendar year to the South Coast AQMD as required by the BUR-SCAQMD MOU. CDM Smith will develop the 2021 GSE emission factors and inventories, including methodology and calculations. Specifically:

- CDM Smith will calculate the 2021 NO_x emission inventories for GSE and calculate the airport-wide GSE NO_x emission factor to support progress tracking towards achieving the emission factor targets.
- Key assumptions for this scope include:
 - The GSE data obtained for the 2020 calendar year will be incorporated by CDM Smith into the data sheets used to collect the 2021 calendar year data.
 - The 2021 GSE data will be collected by BUR and provided to CDM Smith.
 - The 2021 GSE data will be obtained for all tenants operating at BUR during 2021.
 - CDM Smith will review the collected data and inform BUR and Trifiletti Consulting of unusual looking information or data deficiencies; BUR will be responsible for verifying this data is correct or obtaining corrected data from the tenants.
 - Emissions will be developed primarily from emission factor data obtained from the CARB OFFROAD2017 and EMFAC2017 emission models.
 - Any calculations and reporting for the other, non-GSE BUR-SCAQMD MOU measures will be prepared by others.

Associated with the work noted above, CDM Smith staff may attend up to 2 meetings at the airport, and up to 4 additional meeting at with SCAQMD either on-line or at the SCAQMD Diamond Bar office.

Budget

CDM Smith estimates that the budget for completing the 2021 GSE NO_x emission inventory, NO_x airport-wide emission factor, and associated report will be \$23,500.

Schedule

CDM Smith anticipates that the data collection activities will begin during the first quarter of 2022; and will complete the MOU-required BUR 2021 GSE emission factor and inventory calculations and report by May 31, 2022.

EXHIBIT B-1
Supplemental Fee Schedule

Trifiletti Consulting proposes to assist Hollywood Burbank Airport by providing expert environmental, entitlement, sustainability, land use, and governmental consulting on complex airport and transportation aviation projects and related professional consulting services, not to exceed \$43,000. This amendment total includes a budget of \$43,000 for Trifiletti Consulting, Inc. services and \$23,500 for CDM Smith's services, at the hourly rates of:

Tami McCrossen-Orr, Director	\$290 per hour,
Senior Planning Associate	\$190 per hour
CDM Smith Subconsultant Services	\$23,500 (not to exceed)
Photocopies	\$0.15 per copy for copying materials over \$100
Facsimile	\$0.25 per page

Direct expenses such as parking, copy fees, database research, authorized travel and related expenses will be billed at actual costs.

Any out-of-state or long-distance travel required to conduct the above-mentioned workplace investigations, compliance training or related services shall be approved in advance by the Executive Director or an authorized designee.

Estimated Budget: Burbank 2022 Annual Emission Inventory

CDM Smith Inc.

Tasks	Officer		Associate (Grades 7/8)		Principal (Grades 7/8)		Professional II (Grades 3/4)		Professional I (Grades 1/2)		Senior Administrative Support		Total	
	Rate	\$ 303	Rate	\$ 278	Rate	\$ 267	Rate	\$ 164	Rate	\$ 139	Rate	\$ 139	Total	Total
	Hours	Total	Hours	Total	Hours	Total	Hours	Total	Hours	Total	Hours	Total	Hours	Total
Task 1: Meetings & Management	4	\$1,212	0	\$0	8	\$2,136	0	\$0	0	\$0	8	\$1,112	20	\$4,460
Task 2: Develop 2020 Annual Emission Inventories	0	\$0	12	\$3,336	8	\$2,136	80	\$13,120	0	\$0	0	\$0	100	\$18,592
Total	4	\$1,212	12	\$ 3,336	16	\$ 4,272	80	\$ 13,120	0	\$ -	8	\$ 1,112	120	\$23,052

Other Direct Costs: \$448

Total	120	\$23,500
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**BURBANK-GLENDALE-PASADENA AIRPORT AUTHORITY
LEGAL, GOVERNMENT AND ENVIRONMENTAL AFFAIRS COMMITTEE
APRIL 4, 2022**

COMMITTEE PENDING ITEMS

Future

1. AQMD – AQIP Compliance Report; Airport Authority Fleet Management
2. Restricted Land Covenant - Adjacent Parcel; RWQCB