



September 28, 2023

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 Monday, October 2, 2023, at 8:30 a.m., in the Burbank Room of Hollywood Burbank Airport, 2627 N. Hollywood Way, Burbank, California 91505.

In addition to attending the meeting in person, members of the public may observe the meeting telephonically and may offer comment in real time through the following number:

Dial In: (701) 802-5334
Access Code: 2451017#

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

REGULAR MEETING
OF THE
LEGAL, GOVERNMENT AND ENVIRONMENTAL AFFAIRS COMMITTEE
Burbank Room
Monday, October 2, 2023
8:30 a.m.

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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 three 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.*

▼ ▼ ▼

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, October 2, 2023

1. Roll Call
2. Approval of Agenda
3. Public Comment
4. Approval of Minutes
 - a. September 18, 2023 *[See page 1]*
5. Items for Approval
 - a. Approval of the Second Extension
Deferral of Art Covenant Agreement - City of Burbank *[See page 3]*

Staff seeks a Legal, Government and Environmental Affairs Committee recommendation to the Commission for approval of a proposed Second Extension of the Deferral of Art Covenant Agreement between the City of Burbank and the Authority to allow for an additional nine months to complete the artwork installation at the Regional Intermodal Transportation Center.
6. Items for Information
 - a. Committee Pending Items *[See page 7]*
7. Adjournment

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

MONDAY, SEPTEMBER 18, 2023

A special 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 8:30 a.m., by Commissioner Williams.

1. ROLL CALL

Present:	Commissioners Williams and Najarian
Absent:	Commissioner Gabel-Luddy
Also Present:	Frank Miller, Executive Director; Maggie Martinez, Director, Noise and Environmental Affairs; Aaron Galinis, Senior Airport Planner
	Authority Counsel: Terence R. Boga of Richards, Watson & Gershon
	Tami McCrossen-Orr, Trifiletti Consulting Inc.

2. Approval of Agenda

The agenda was approved as presented.
The motion was approved (2-0, 1 absent).

3. Public Comment

There were no public comments.

4. Approval of Minutes

a. August 28, 2023

Commissioner Najarian moved approval
of the August 28, 2023, Special Committee meeting
minutes; seconded by Commissioner Williams.

There being no objection, the motion was approved
(2-0, 1 absent).

5. Items for Approval

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

Staff presented to the Committee for recommendation
to the Commission for approval of a Professional Services
Agreement ("Agreement") with Trifiletti Consulting, Inc. to
continue providing environmental consulting services in
support of the Authority's Memorandum of Understanding
with the South Coast Air Quality Management District and
the implementation of the voluntary Airport measures
identified in the Air Quality Improvement Plan. The proposed

Agreement is for the period from November 1, 2023, to October 31, 2024.

Motion

Commissioner Najarian moved approval; seconded by Commissioner Williams.

Motion Approved

There being no objection, the motion was approved (2-0, 1 absent).

b. Southern California Association of Governments Letter of Support – Airport Passenger Ground and Air Access Study Caltrans Strategic Partnership Grant-Transit FY 2024-2025

Staff presented to the Committee for recommendation to the Commission to authorize a letter of support for the Southern California Association of Governments pursuit of grant funding from Caltrans to undertake an Airport Ground and Air Access Study in 2024.

Motion

Commissioner Najarian moved approval; seconded by Commissioner Williams.

Motion Approved

There being no objection, the motion was approved (2-0, 1 absent).

6. Items for Information

a. Committee Pending Items

Staff presented pending items to the Committee members.

7. Adjournment

There being no further business, the meeting was adjourned at 8:43 a.m.

**STAFF REPORT PRESENTED TO THE
BURBANK-GLENDALE-PASADENA AIRPORT AUTHORITY
LEGAL, GOVERNMENT AND ENVIRONMENTAL AFFAIRS COMMITTEE
OCTOBER 2, 2023**

**APPROVAL OF THE SECOND EXTENSION
DEFERRAL OF ART COVENANT AGREEMENT
CITY OF BURBANK**

Present by Derrick Cheng
Assistant Manager, Business and Properties

SUMMARY

Staff seeks a Legal, Government and Environmental Affairs Committee (“Committee”) recommendation to the Commission for approval of a proposed Second Extension of the Deferral of Art Covenant Agreement (“Agreement”), copy attached, between the City of Burbank (“City”) and the Authority to allow for an additional nine months to complete the artwork installation at the Regional Intermodal Transportation Center (“RITC”).

BACKGROUND

The City’s Art in Public Places Program (“APPP”) was established in 1992 and requires 1% of major construction project costs to be allocated towards on-site art or to a public art fund. The requirements, as defined in the Burbank Municipal Code, apply to the RITC project in the amount of \$377,198. Normally, a developer posts a bond with the City and has five years from certificate of occupancy to complete the installation of an approved piece of art.

On March 15, 2021, the City and the Authority entered into an Extension of Deferral of the Art Covenant to provide an additional twenty-four months for the Authority to complete the artwork required under the City’s APPP.

On April 17, 2023, the Commission approved a Professional Services Agreement with Ms. Sarah Fernandez to create the artwork for installation at the RITC and on July 6, 2023, the Commission approved conceptual design artwork to be installed on six panels at the RITC.

On August 7, 2023, The City’s Art in Public Places Committee approved the conceptual design artwork and simultaneously representatives for the City and the Authority expressed their mutual desire to enter into a Second Extension of the Agreement to allow for the completion of the installation of the artwork. The City has prepared the proposed extension to the Agreement and, in the interim, Staff has issued a Request for Proposal for the installation of the approved artwork. The time period to award the contract and complete the artwork installation is estimated to be within the proposed extension period.

FUNDING

Funding for this project is through Customer Facility Charge (“CFC”) revenues already collected for the APPP.

STAFF RECOMMENDATION

Staff seeks the Committee’s recommendation to the Commission to approve the proposed Second Extension of the Agreement with the City and authorize the President to execute the same.

SECOND 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 Hollywood Burbank 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 City and the Covenantor, herein referred to collectively as the "Parties", entered into an Extension of Deferral of Art Covenant Agreement, to provide for an additional twenty-four (24) months to complete the artwork required by the City's Art in Public Places Program.

C. On August 7, 2023, the Parties desire to enter into a Second Extension of Deferral of Art Covenant Agreement, to provide for an additional nine (9) 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 Second Extension Deferral of Art Covenant 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 and nine (9) months after the issuance of the certificate of occupancy for the Subject Property. The completion date shall be extended to May 13, 2024. 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 shall remain in full force and effect.

Executed this _____ day of September, 2023 at Burbank, California.

"CITY"

"COVENANTOR"

CITY OF BURBANK, a municipal
corporation

By: _____
Name: _____
Title: _____

By: _____
Name: _____
Title: _____

Approved as to Form
Jill Vander Borcht,
Senior Assistant City Attorney

By: _____

**BURBANK-GLENDALE-PASADENA AIRPORT AUTHORITY
LEGAL, GOVERNMENT AND ENVIRONMENTAL AFFAIRS COMMITTEE
OCTOBER 2, 2023**

COMMITTEE PENDING ITEMS

Future

1. Award of Contract – Part 150 Consultant
2. Discussion; Request for CAC Agenda Item