



December 14, 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, December 18, 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, December 18, 2023
8:30 a.m.



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.*



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.



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, December 18, 2023

1. Roll Call
2. Approval of Agenda
3. Public Comment
4. Approval of Minutes
 - a. October 16, 2023 [See page 1]
5. Items for Approval
 - a. Art in Public Places
Regional Intermodal Transportation Center Artwork Reproduction and Installation Services [See page 3]
Staff seeks a Legal, Government and Environmental Affairs Committee recommendation to the Commission approving the Regional Intermodal Transportation Center ("RITC") Artwork Reproduction and Installation Services Agreement with Advanced Sign and Banner for the reproduction and installation of approved artwork at the RITC.
 - b. Award of Contract
Airport Noise Compatibility (Part 150) Study Consultant [See page 6]
Staff seeks a Legal, Government and Environmental Affairs Committee recommendation to the Commission that it award a Professional Services Agreement in the amount of \$1,981,871 to Harris Miller Miller and Hanson for the preparation of an Airport Noise Compatibility Study pursuant to Code of Federal Regulations Title 14, Part 150 ("Part 150").
6. Items for Information
 - a. Committee Pending Items [See page 10]
7. Adjournment

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

OCTOBER 16, 2023

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 8:30 a.m., by Commissioner Gabel-Luddy.

1. ROLL CALL

Present: Commissioners Gabel-Luddy, Williams and Najarian

Absent: None

Also Present: Frank Miller, Executive Director;

Authority Counsel: Terence R. Boga
of Richards, Watson & Gershon

2. Approval of Agenda

The agenda was approved as presented.
The motion was approved (3-0).

3. Public Comment

There were no public comments.

4. Approval of Minutes

a. October 2, 2023

Commissioner Najarian moved approval of the October 2, 2023, Committee meeting minutes; seconded by Commissioner Williams.

There being no objection, the motion was approved (3-0).

5. Items for Approval

a. Eco-Rapid Transit (Orangeline Development Authority) Joint Powers Agreement Termination

Staff sought a recommendation from the Legal, Government and Environmental Affairs Committee to the Commission to adopt proposed Resolution No. 507 to approve termination of the Eco-Rapid Transit Joint Powers Agreement.

Commissioner Williams moved approval; seconded by Commissioner Najarian.

There being no objection, the motion was approved (3-0).

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 8:40 a.m.

**STAFF REPORT PRESENTED TO THE
BURBANK-GLENDALE-PASADENA AIRPORT AUTHORITY
LEGAL, GOVERNMENT AND ENVIRONMENTAL AFFAIRS COMMITTEE
DECEMBER 18, 2023**

**ART IN PUBLIC PLACES
REGIONAL INTERMODAL TRANSPORTATION CENTER
ARTWORK REPRODUCTION AND INSTALLATION SERVICES**

Presented by Scott Kimball
Deputy Executive Director
Operations, Business, and SMS

SUMMARY

Staff seeks a Legal, Government and Environmental Affairs Committee (“Committee”) recommendation to the Commission approving the Regional Intermodal Transportation Center (“RITC”) Artwork Reproduction and Installation Services Agreement (“Agreement”) with Advanced Sign and Banner (“Advance”) for the reproduction and installation of approved artwork at the RITC.

BACKGROUND

In September 2015, through a competitive Request for Proposal process, the Authority retained the services of an art consultant. The Authority subsequently retained the services of an artist to create public artwork for the RITC in satisfaction of the City of Burbank’s Art in Public Places (“APP”) ordinance (Burbank Municipal Code Section 10-1-1114). Those relationships were dissolved in the fall of 2018.

Staff presented a different approach in the summer of 2019; however, this suggestion did not meet the expectations of the Commission. While Staff was reviewing alternatives to meet the APP requirement, most activities were suspended due to the COVID-19 pandemic.

Staff continued to work on this project and obtained the Commission’s approval of an “Extension of Deferral of Art Covenant Agreement” with the City of Burbank in September 2021. This extension gives the Authority until August 12, 2023, to complete a public artwork installation at the RITC.

In December 2021, Staff presented to the Commission various artwork styles for consideration. The Commission approved an Aviation History theme with direction to Staff to utilize a Retro/Vintage art style.

On April 17, 2023, the Commission approved a Professional Services Agreement with artist Sarah Fernandez for \$59,200 for the creation of the public artwork at the RITC.

On June 5, 2023, Legal, Government and Environmental Affairs Committee concurred with Staff’s recommendation that the Replacement Passenger Terminal (“RPT”) conceptual design voting procedure specified in Resolution #499 be utilized for the Commission’s selection of a conceptual design for the RITC public artwork.

On July 10, 2023, the Commission approved the conceptual art designs for the RITC. Subsequent to the Commission's approval, Staff and Ms. Fernandez met with the City's Art in Public Places Committee and received the Committee's approval for the conceptual art design.

Request for Proposals

Staff issued the Artwork Reproduction and Installation Services Request for Proposals (RFP) on September 22, 2023, all proposals were due on October 20, 2023. Proposals were received from the following three art installation and reproduction companies, listed in alphabetical order: Advanced Sign and Banner; Curcio; Square Signs, and one proposal deemed non-responsive. The RFP and Scope of Work are attached as reference to this report.

The RFP's qualifications requirements consisted of the following:

- Experience creating art installations or permanent signage for airport or public agency property.
- Demonstrated ability to create site-responsive projects.
- Knowledge of methods and techniques of art installation management, including art contracting, design, fabrication, construction, lighting, and installation management.
- Ability to understand, explain, interpret, and comply with APP Ordinance requirements.

Proposal Evaluation

Staff formed a three-person evaluation committee to perform a qualifications-based analysis consisting of review and ranking of the technical proposals received from the three companies. The evaluation focused on the following categories, with 100 possible points awarded:

- Experience, Background and Past Performance: Experience supporting and facilitating the implementation of a public art program (as described in the Scope of Services) for public agencies, companies, or organizations. (30 pts)
- Technical Approach: Proposed approach demonstrates an in-depth understanding of required tasks and ability to meet project objectives within the proposed schedule. Any additional recommendations are fully explained and justified. (30 pts)
- Proposed Fee: (40 pts)

The summary of the cost proposals are as follows:

Advanced Sign and Banner	\$172,000.00
Curcio	\$187,213.12
Square Signs	\$432,211.00

The proposal evaluation results, and final scoring chart are as follows:

Rank	Proposer	Total Overall Score
1	Advanced Sign and Banner	90
2	Curcio	87
3	Square Signs	71

	SC-1	SC-2	SC-3	OUT OF 100 PTS POSSIBLE	Rank
Advanced Sign and Banner	25	25	40	90	1
Square Signs	27	25	19	71	3
Curcio	26	24	37	87	2

BUDGET IMPACT

Funding for this project will be through the balance of the RITC construction account which is a restricted fund that can only be used for eligible RITC-related projects. The installation of the art panels in compliance with the City's Art in Public Places requirement is an eligible use of these funds.

STAFF RECOMMENDATION

Staff seeks the Committee's recommendation to the Commission to approve the proposed Agreement to Advance Sign and Banner and authorize the President to execute the same.

**STAFF REPORT PRESENTED TO THE
BURBANK-GLENDALE-PASADENA AIRPORT AUTHORITY
LEGAL, GOVERNMENT AND ENVIRONMENTAL AFFAIRS COMMITTEE
DECEMBER 18, 2023**

**AWARD OF CONTRACT
AIRPORT NOISE COMPATIBILITY (PART 150) STUDY**

Presented by Aaron Galinis
Senior Airport Planner

SUMMARY

Staff seeks a Legal, Government and Environmental Affairs Committee (“Committee”) recommendation to the Commission that it award a Professional Services Agreement (“PSA”) in the amount of \$1,981,871 to Harris Miller Miller and Hanson (“HMMH”) for the preparation of an Airport Noise Compatibility Study pursuant to Code of Federal Regulations Title 14, Part 150 (“Part 150”).

BACKGROUND

Aircraft noise continues to be an important issue facing airports and communities throughout the United States. Formal standards were established by Congress under the Aviation Safety and Noise Abatement Act of 1979, which created a single system for determining the exposure of individuals to airport noise, and a standardized airport noise compatibility planning program. The Federal Aviation Administration (“FAA”) has prescribed a set of procedures and standards in Part 150 to implement this legislation. An Airport Noise Compatibility Study prepared pursuant to these FAA regulations commonly is known as a “Part 150 Study.”

A Part 150 Study comprises two specific categories of documents as deliverables, which are 1) Noise Exposure Maps (“NEMs”) that depict existing and 5-year forecast future conditions of airport noise contours at 65 and 70 decibels of Community Noise Equivalent Level (“CNEL”), and 2) a Noise Compatibility Program (“NCP”) that identifies programs and policies to remedy untreated residential and educational land uses that are found to fall within those contours.

In 1991, the Authority completed its initial Part 150 Study for Hollywood Burbank Airport. The associated NEMs were approved on August 21, 1989, and the initial NCP was approved on January 30, 1991. Subsequent updates to the Airport’s NEMs and NCP have taken place on a regular basis, most recently in 2017.

Additionally, in 2019, the Authority and Los Angeles World Airports jointly established the Southern San Fernando Valley Airplane Noise Task Force (“Task Force”) to formulate community-driven recommendations related to Hollywood Burbank Airport and Van Nuys Airport. The Task Force conducted seven public hearings and approved a total of sixteen recommendations between the two airports. Those recommendations included the following:

- Recommendation 14: “Maintain and update when and if necessary, the Noise Exposure Map (NEM) and Noise Compatibility Program (NCP) at Hollywood Burbank Airport ... in order to continue to provide noise mitigation to all potentially eligible property owners and continue to monitor the aircraft operations and associated noise levels throughout the San Fernando Valley communities.”
- Recommendation 15: “Create a Citizen’s Advisory Committee at Hollywood Burbank Airport (BUR) to address community concerns throughout the San Fernando Valley.”

The proposed Part 150 Study addresses the Task Force’s Recommendation 14. As part of the public engagement efforts associated with the proposed Part 150 Study, input will be obtained from a Citizen’s Advisory Committee (“CAC”). On December 14, 2020, the Commission addressed the Task Force’s Recommendation 15 by adopting Resolution No. 488 to establish a 12-member CAC comprised of representatives from the Cities of Burbank, Glendale, Pasadena, and Los Angeles. The Commission deferred the appointment of CAC members pending recovery (operational and economic) from the COVID-19 pandemic and initiation of the Part 150 Study. At the Committee’s request, Staff is agendaing a separate item for consideration of a modification of the CAC parameters set by Resolution No. 488.

Project Description

The Part 150 Study services will consist of four primary tasks, presented as follows:

- 1) Development and implementation of a Study Protocol, which will formalize methodologies and procedures for conducting the study. The Study Protocol will identify roles and responsibilities of stakeholders, as well as shape the public outreach and stakeholder engagement process.
- 2) Preparation of new NEMs, including review of, and updates to, existing operational, noise, and land use databases. Work on the NEMs shall be consistent with all FAA guidelines to produce NEMs conforming with and approved by the FAA per the agency’s NEM checklist.
- 3) Preparation of an NCP, including review and update of existing compatibility measures from prior NCP efforts, as well as the development of new program management measures, as informed by the findings of the NEMs to be created in Task 2.
- 4) Conducting public engagement throughout the course of the study. Public engagement will include the formation of a focused Technical Advisory Committee (separate from the CAC), four public workshops, one public hearing, and additional meetings as deemed necessary throughout the course of the study. Additionally, the CAC will provide an advisory role for gaining feedback throughout the study and recommending measures for the Commission’s consideration.

PROCUREMENT

Staff publicly solicited responses to a combined Request for Qualifications/Request for Proposals (“RFQ/RFP”) posted on the Authority’s PlanetBids e-procurement website and advertised in the Los Angeles Times. The RFQ/RFP was downloaded by 30 potential firms. Staff received responses from three qualified proposal teams. Those three teams, listed in alphabetical order by prime consultant, are as follows:

- Environmental Science Associates

- Harris Miller Miller and Hanson
- Landrum and Brown

SELECTION PROCESS

Due to the anticipated inclusion of federal funding for this project, the selection process is governed by FAA Advisory Circular 150/5100-14E, *Architectural, Engineering, and Planning Consultant Services for Airport Grant Projects*. In key part, this AC states: "Consultants must be selected on the basis of their qualifications and experience, with fees determined through negotiations following selection. The qualifications of consultants are evaluated and the best qualified consultant is selected, subject to a mutual understanding of the scope of services and negotiation of a fair and reasonable fee."

PROPOSAL EVALUATIONS

Written responses were individually evaluated by four members of Staff and were given a score based upon three initial selection criteria with a maximum possible score of 100 points:

- SC-1 Firm Experience (40 points)
- SC-2 Qualifications of Proposed Project Team (40 points)
- SC-3 Project Understanding and Technical Approach (20 points)

Following the evaluations of the written responses, each of the three teams were also invited for interviews, which constituted a fourth selection criteria:

- SC-4 Interviews (50 points)

The four selection criteria, in total, result in a combined maximum possible score of 150 points. The results of the combined scoring evaluation are presented as follows:

	<u>SC-1</u>	<u>SC-2</u>	<u>SC-3</u>	<u>SC-4</u>	<u>Total</u>
Max Points Possible	40	40	20	50	150
Environmental Science Associates	39	38	19	44	140
Harris Miller Miller and Hanson	40	39	20	45	144
Landrum and Brown	39	38	19	44	140

FEE NEGOTIATIONS

In accordance with FAA requirements, Staff were prohibited from any fee discussions with any of the proposers until after a determination of the most qualified firm was reached. Once HMMH was identified as the highest scoring proposer and the detailed scope of services was established, Staff obtained an Independent Fee Estimate ("IFE") to serve as a benchmark in establishing a fair and current market value for the project. Staff requested and received an initial price proposal from HMMH. At the conclusion of the negotiations, HMMH submitted a revised and final fee proposal which was 6.5% higher than the IFE. FAA guidelines state that fees should be within 10% of the IFE at the end of the negotiation process.

In accordance with the final fee proposal, a lump sum PSA for Part 150 Study services with HMMH in the amount of \$1,981,871 was finalized, and the proceedings of the evaluations and negotiations process was documented in a Record of Negotiations.

DBE PROGRAM

The Authority's adopted Disadvantaged Business Enterprise ("DBE") program guideline goal of 13% was incorporated into the RFQ/RFP. Based upon a staff review of the bid documentation submitted, the HMMH project team is anticipated to exceed the Authority's DBE goal for the project.

ENVIRONMENTAL REVIEW

In accordance with National Environmental Protection Act requirements for federally funded projects, a Categorical Exclusion was filed with the FAA and approved.

FUNDING

The approved FY 2024 Budget includes appropriations for this project in the amount of \$1,000,000, related to the portion of work anticipated to be completed during FY 2024. The total project cost will be funded through a combination of an Airport Improvement Program ("AIP") grant and Passenger Facility Charge ("PFC") funds. An AIP grant for \$1,486,403 (75% of project costs per Federal Share eligibility calculations) was announced on September 13, 2023. The required local funding match of \$495,468 (the remaining 25% of project costs) will be drawn from PFC funds.

SCHEDULE

Staff expect work to commence shortly after the award and execution of the PSA, with an anticipated project duration of 24 months.

STAFF RECOMMENDATION

Staff seeks a Committee recommendation to the Commission that it award a PSA in the amount of \$1,981,871 to HMMH for Part 150 Study services and authorize the President to execute the same.

**BURBANK-GLENDALE-PASADENA AIRPORT AUTHORITY
LEGAL, GOVERNMENT AND ENVIRONMENTAL AFFAIRS COMMITTEE
DECEMBER 18, 2023**

COMMITTEE PENDING ITEMS

Future

1. LEEDS to Density Presentation (tentative) (City of Burbank - Golden State Plan)
2. Discussion - Community Advisory Committee
3. Update Use of SAF