



March 14, 2019

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, March 18, 2019, 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.

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

REGULAR MEETING
OF THE
LEGAL, GOVERNMENT AND ENVIRONMENTAL AFFAIRS COMMITTEE

Burbank Room
Monday, March 18, 2019
9:30 a.m., or Immediately Following
the Conclusion of the
Airport Authority 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.



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.*



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.

AGENDA

Monday, March 18, 2019

1. Approval of Agenda

2. Public Comment

3. Approval of Minutes

a. February 19, 2019

[See page 1]

4. Contracts and Leases

[See page 2]

a. Approval of Amendment No. 2 to the Extended Maintenance and Service Agreement for Airport Noise and Operations Management System Bruel & Kjaer EMS Inc.

- Staff report attached.

Staff seeks a Legal, Government & Environmental Affairs Committee ("Committee") recommendation to the Commission for a five-year extension of the Extended Maintenance and Support Agreement ("Services Agreement") with Bruel & Kjaer EMS Inc. ("B&K") for continued services in support of the Airport Noise and Operations Management System ("ANOMS"). Proposed Amendment No. 2 to the Services Agreement is attached and referenced as Exhibit A. The cost for the first year of the proposed extension period is \$102,352 with a proposed annual increase of 3% per year which is the same condition contained in the original agreement.

b. Annual Review and Adjustment of Noise Violation Fines

[See page 10]

- Staff report attached.

Staff seeks a Legal, Government and Environmental Affairs Committee recommendation to the Commission that it authorizes an increase to the noise fines associated with certain restricted operations as detailed in Rules 8 and 9 in accordance with the annual adjustment of noise violation fines required by Resolution No. 382.

5. Adjournment

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

TUESDAY, FEBRUARY 19, 2019

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 9:45 a.m., by Chairman Wiggins.

AB 23 Disclosure: 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.

ROLL CALL

Present: Commissioners Wiggins and Sinanyan

Absent: Commissioner Madison

Also Present: Staff: Frank Miller, Executive Director;
Sarah Sheehy, Senior Director, Government and
Public Affairs; Lucy Burghdorf, Director of Public
Affairs and Communications

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

Kristian Foy of Michael J. Arnold & Associates
(Via teleconference)

- 1. Approval of Agenda** The agenda was approved as presented.
- 2. Public Comment** There were no public speakers.
- 3. Approval of Minutes**
 - a. November 5, 2018** Commissioner Sinanyan moved approval of the minutes of the November 5, 2018, meeting. The minutes were approved (2-0, one absent).
- 4. Items for Discussion**
 - a. State Legislative Update** Via teleconference Kristian Foy of Michael J. Arnold & Associates, the Authority's Sacramento legislative consultants updated the Committee and answered various questions on the legislative calendar and the status of the bills submitted to date.
- 5. Adjournment** There being no further business, the meeting was adjourned at 10:02 a.m.

**STAFF REPORT PRESENTED TO THE
BURBANK-GLENDALE-PASADENA AIRPORT AUTHORITY
LEGAL, GOVERNMENT & ENVIRONMENTAL AFFAIRS COMMITTEE
MARCH 18, 2019**

**APPROVAL OF AMENDMENT NO. 2 TO THE
EXTENDED MAINTENANCE AND SERVICE AGREEMENT
FOR
AIRPORT NOISE AND OPERATIONS MANAGEMENT SYSTEM
BRUEL & KJAER EMS INC.**

SUMMARY

Staff seeks a Legal, Government & Environmental Affairs Committee ("Committee") recommendation to the Commission for a five-year extension of the Extended Maintenance and Support Agreement ("Services Agreement") with Bruel & Kjaer EMS Inc. ("B&K") for continued services in support of the Airport Noise and Operations Management System ("ANOMS"). Proposed Amendment No. 2 to the Services Agreement is attached and referenced as Exhibit A. The cost for the first year of the proposed extension period is \$102,352 with a proposed annual increase of 3% per year which is the same condition contained in the original agreement.

BACKGROUND

At the center of the Airport's noise mitigation program is the data collected and quantified by the Noise and Flight Track Monitoring System. The present noise monitoring system replaced a system that had served the Airport since April 1980 and that, due to age and enhanced features available in newer systems, required replacement.

In compliance with the California Noise Standards, the Airport Authority is required to perform noise monitoring in the vicinity of the airport for the purpose of establishing a noise impact boundary. The State's Noise Standards specify a community noise equivalent level ("CNEL") of 65 dB for the noise impact boundary. Federal Aviation Administration ("FAA") requirements also verify modeled projected noise impacts against forecasted future aircraft activity under the FAR Part 150 Noise Mitigation Studies. As more thoroughly described in Exhibit B, the current system consists of 20 noise monitoring sites located in the vicinity of the Airport, the ANOMS software, which among other features, correlates recorded noise events to flight tracks provided by the FAA, and a publicly accessible research tool known as WebTrak.

In July 2010, following a lengthy solicitation effort, the Airport Authority entered into an agreement to replace the Airport's original flight tracking system with B&K's ANOMS. This acquisition included the upgrade of all the noise monitoring locations, added 3 new monitoring sites, and the relocation of another for a total of 20 noise monitors.

The Commission previously authorized (a) a purchase agreement with B&K that included one-year service warranty and (b) a separate five-year Service Agreement which will expire on April 14, 2019. Following system design, review and approval, the components of the system were installed by B&K with acceptance of the system occurring April 15, 2013. These agreements were originally executed by the Lochard Corporation and amended in November 2010 to reflect the name change.

SERVICES AGREEMENT

The services covered by the Services Agreement address (but are not limited to) the following aspects of the ANOMS system:

- System Management
 - System support via telephone or email
 - Customer visits
- Maintenance Services
 - Fault management
 - Software Upgrades and Patches
 - Hardware Repair
- Technology Management and Administration Services
 - System Monitoring for abnormal conditions
 - Periodic Hardware Services
- Information Management Services
 - Data processing Services
 - Report Production Services
- Subscription Services
 - Application Subscription

Pricing for the proposed amended term begins with a 3% increase to the current rate for a revised annual amount for the period of April 2019 to March 2020 of \$102,352, billed quarterly, with a 3% annual increase effective April 15th of each successive service year.

BUDGET

The adopted FY 2019 budget has appropriations for the remainder of the fiscal year for the revised fee contained in the proposed Service Agreement. For future budget years, appropriations will be requested for the annual fee of the Service Agreement as specified above.

STAFF RECOMMENDATION

Staff seeks the recommendation of the Committee to the Commission for approval of Amendment No. 2 to the Services Agreement for a five-year term extension with Bruel & Kjaer EMS Inc. at the rates level described above.

EXHIBIT A

AMENDMENT NO. 2 TO NOISE AND FLIGHT TRACK MONITORING SYSTEM EXTENDED MAINTENANCE AND SUPPORT AGREEMENT (Burbank-Glendale-Pasadena Airport Authority / Bruel & Kjaer EMS Inc.)

This Amendment No. 2 ("Second Amendment") to the July 19, 2010 Noise and Flight Track Monitoring System Extended Maintenance and Support Agreement ("Agreement") executed by the Burbank-Glendale-Pasadena Airport Authority ("Authority"), a California joint powers agency, and Bruel & Kjaer EMS Inc. ("B&K EMS"), a Delaware corporation (formerly known as Lochard Corporation), is dated April 1, 2019 for reference purposes.

RECITALS

- A. B&K EMS designed, furnished, and installed a noise and flight track monitoring system at the Bob Hope Airport.
- B. The parties executed the Agreement to provide for B&K EMS' performance of extended warranty service (including hardware and software upgrades) for such system.
- C. The parties executed a July 19, 2010 Amendment No. 1 ("First Amendment") to the Agreement to eliminate a reference to B&K EMS' prior business name.
- D. The parties desire to amend the Agreement to: (i) provide for a five-year extension of the term; and (ii) establish a fee schedule for such extension period.

NOW, THEREFORE, the parties agree as follows:

1. **Amendment of Section 1.** Subsection 1.10 of Section 1 ("Definitions") of the Agreement is amended to read as follows:

"1.10 "Expiration" means April 14, 2024."

2. **Amendment of Section 1.** Subsection 1.33 of Section 1 ("Definitions") of the Agreement is amended to read as follows:

"1.33 "Vendor Fee" means: (i) for performance of the Services during the base term (April 15, 2014 to April 14, 2019), the compensation specified in the Fee Schedule; and (ii) for performance of the Services during the extension period (April 15, 2019 to April 14, 2024), the compensation specified in the Extension Period Fee Schedule."

3. **Amendment of Section 1.** Subsection 1 ("Definitions") of the Agreement is amended by adding a new Subsection 1.37 to read as follows:

"1.37 "Extension Period Fee Schedule" means the Vendor Fee payment schedule attached as Exhibit C-1."

4. **Addition of Exhibit C-1.** The attached Exhibit C-1 is added to the Agreement and incorporated by reference.

5. **Effective Date.** This Second Amendment shall be effective upon execution.

6. **Preservation of Agreement.** Except as expressly modified by this Second Amendment, all of the provisions of the Agreement (as amended by the First Amendment) shall remain unaltered and in full force and effect. In the event of a conflict between the provisions of this Second Amendment and the provisions of the Agreement (as amended by the First Amendment), the provisions of this Second Amendment shall control.

TO EFFECTUATE THIS SECOND AMENDMENT, the parties have caused their duly authorized representatives to execute this Second Amendment by signing below.

Bruel & Kjaer EMS Inc.

 _____	 _____
<input type="checkbox"/> Chairperson <input checked="" type="checkbox"/> President <input type="checkbox"/> Vice President	<input type="checkbox"/> Secretary <input checked="" type="checkbox"/> Asst. Secretary <input type="checkbox"/> Chief Finance Officer <input type="checkbox"/> 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

Zareh Sinanyan, President

Approved as to form:

Richards, Watson & Gershon
A Professional Corporation



EXHIBIT C-1
Extension Period Fee Schedule

(attached)



February 22, 2019

Mr. Mark Hardyment
Director Noise & Environmental Programs
Hollywood Burbank Airport
2627 Hollywood Way
Burbank, CA, 91505

Noise Office Services for Hollywood Burbank Airport

Dear Mr. Hardyment,

EMS Brüel & Kjær is pleased to continue service for Burbank Bob Hope Airport in accordance with the Noise Office Services Agreement between Brüel & Kjær EMS Inc. and the Burbank-Glendale-Pasadena Airport Authority (V6 Services Agreement) and subsequent contract modifications (together referred to as the Agreement).

The Agreement expires on April 14th, 2019. EMS Brüel & Kjær is offering to extend the term of the Agreement for an additional period as described below:

Annual Service Period	Service Fee (USD)
April 15, 2019 – April 14, 2020	\$102,352
April 15, 2020 – April 14, 2021	\$105,422
April 15, 2021 – April 14, 2022	\$108,585
April 15, 2022 – April 14, 2023	\$111,842
April 15, 2023 – April 14, 2024	\$115,198
Total	\$543,399

The services will be delivered under the terms and conditions of the existing Agreement.

Thank you,

Alex Fluken
Airports Account Manager

EXHIBIT B
NOISE MONITORING AT HOLLYWOOD BURBANK AIRPORT
FOURTH QUARTER 2018

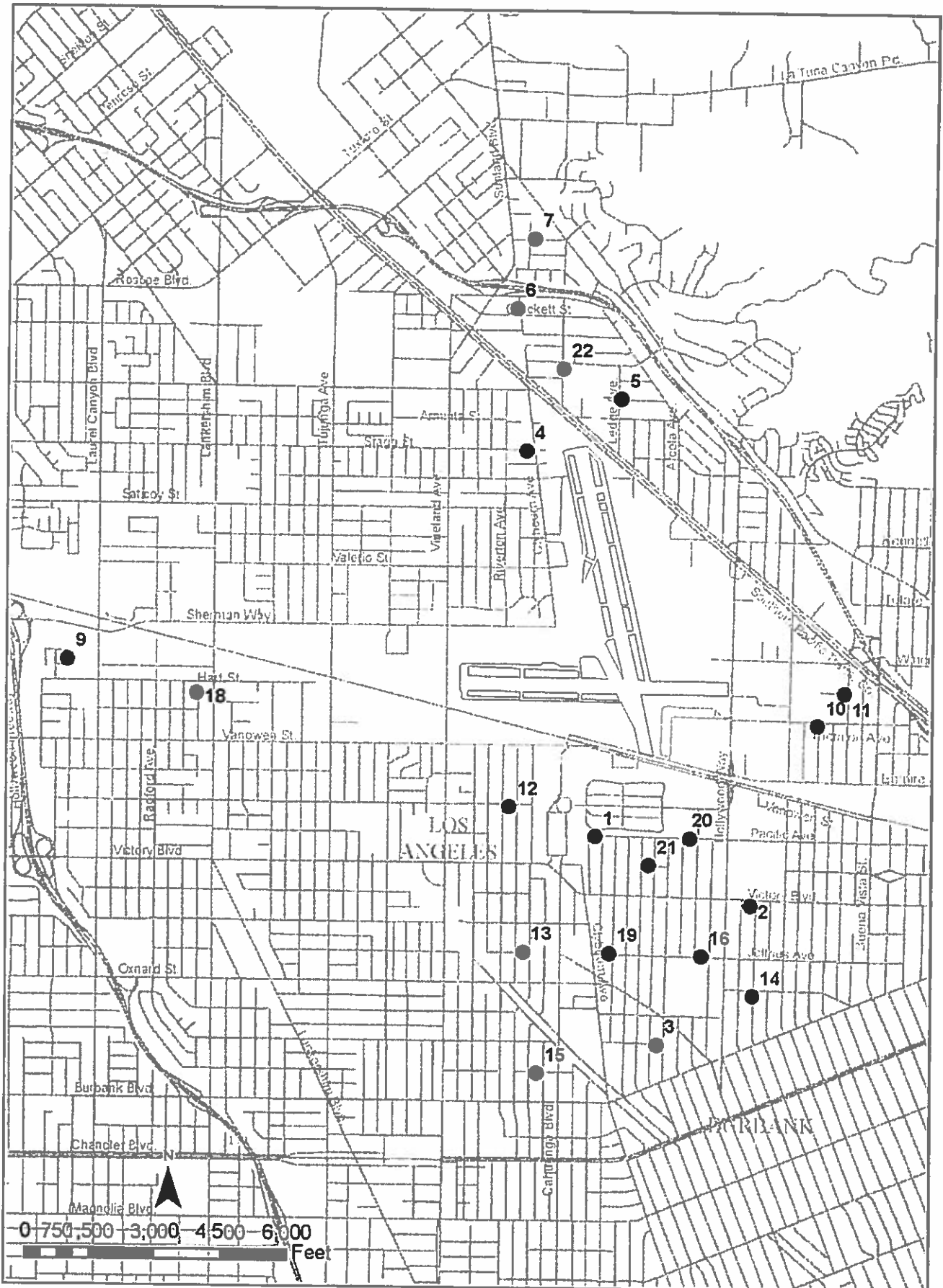
In compliance with the California Noise Standards the Airport Authority is required to perform noise monitoring in the vicinity of the airport for the purpose of establishing a noise impact boundary. The Noise Standards currently specify a community noise equivalent level (CNEL) of 65 dB for the noise impact boundary¹. The airport is required to provide, each quarter, an updated annual noise impact contour based on measurement data over the four preceding quarters.

A permanent noise monitoring system became operational in April 1980 and, with brief interruption for system expansion, maintenance, and program changes, has been operational since that time. Of the original nine noise monitor sites, eight have remained unchanged since 1980. The monitor at site 8 was removed in 1997 and replaced by a monitor at site 18. Two sites were added east of the airport in late 1980. Four sites were added south of the airport in January 1986 in response to the requirement to determine the 65 dB contour. Three more locations were added in February 1997. Two of these, identified as 16 and 17, are south of the airport, and one, 18, is to the west. These locations were added to permit monitoring closer to the 65 dB contour. The noise monitoring computer at the airport was replaced in August 1995.

The Airport's Noise Monitoring System was modernized and augmented in late December 2012 by replacing the noise and flight track matching software, the noise monitoring hardware, and by adding sites 19, 20, 21, and 22 to allow closer monitoring to the current 65 dB CNEL contour. The old site 17 was removed as redundant with site 15, so the updated noise monitoring system contains 20 permanent microphone locations (as depicted of Figure B-1, attached). System Acceptance was achieved following a 90-day endurance test in April 2013.

¹ Prior to January 1, 1986, a CNEL of 70 dB defined the noise impact boundary.

Figure B-1



BURBANK AIRPORT - NOISE MONITOR LOCATIONS

**STAFF REPORT PRESENTED TO THE
BURBANK-GLENDALE-PASADENA AIRPORT AUTHORITY
LEGAL, GOVERNMENT AND ENVIRONMENTAL AFFAIRS COMMITTEE
MARCH 18, 2019**

**ANNUAL REVIEW AND ADJUSTMENT OF
NOISE VIOLATION FINES**

SUMMARY

Staff seeks a Legal, Government and Environmental Affairs Committee ("Committee") recommendation to the Commission that it authorizes an increase to the noise fines associated with certain restricted operations as detailed in Rules 8 and 9 as described below, in accordance with the annual adjustment of noise violation fines required by Resolution No. 382.

BACKGROUND

Resolution No. 382 was adopted by the Commission on March 20, 2003, which requires noise violation fines contained in Rules 8 and 9 be adjusted annually for inflation based on percentage changes in the Consumer Price Index ("CPI"). The January index is used to calculate the annual adjustment and the new rates become effective each April 1st.

Rule 8 prohibits the following activities between 10 p.m. and 7 a.m.

- Intersection takeoffs
- "Touch and go" landings
- Maintenance run-ups
- Flight training operations
- Practice approaches

The current first-time fine is \$1,508 and the fine for subsequent violations is \$2,190.

Rule 9 prohibits the operation of certain "noisy" aircraft between 10 p.m. and 7 a.m., pursuant to FAA Advisory Circular 36-1H. The current fine for each violation is \$4,384.

The 2012 FAA Modernization and Reform Act required owners/operators of aircraft that weigh less than 75,000 pounds that do not meet FAA Stage 3 noise levels to modify or retire their aircraft by December 31, 2015. This statute has been fully implemented, however, existing Airport Noise Rules do include weight limits provided by Gulfstream that are applicable to their Models G-IIB and G-III that are necessary in addition to Stage 3 hush kits in order for them to be in compliance. Currently, there is one Gulfstream III aircraft based out of Atlantic Aviation, which operated 4 times during the nighttime hours in 2018, under the weight limit. However, this rule also applies to all itinerant aircraft operations.

In 2018, Staff investigated 20 operations from general aviation operators for suspected violations. After further investigation, they were all determined to be in compliance with the Airport Noise Rules, for which none had exceeded the gross weight limit of 55,500 for a G3 aircraft operating during the nighttime hours.

JANUARY CPI INDEX LEVEL

The January 2019 CPI for All Urban Consumers in the Los Angeles, Long Beach and Anaheim area is 269.47 according to the U.S. Bureau of Labor Standards. This level represents an approximate increase of 3.15% when compared to the January 2018 index reading of 261.24. Applying this CPI value to the current fines results in the following revised fine levels for Rule 8 and Rule 9 violations:

- Rule 8: \$1,555 (first violation)
- Rule 8: \$2,259 (subsequent violations)
- Rule 9: \$4,522 (each violation)

STAFF RECOMMENDATION

Staff seeks a Committee recommendation to the Commission that the monetary fines for violations of Rules 8 and 9 be adjusted as detailed in this staff report.