

ORANGE COUNTY AIRPORT COMMISSION
Airport Commission Hearing Room
3160 Airway Avenue
Costa Mesa, CA 92626

MINUTES OF REGULAR MEETING

September 7, 2022

COMMISSIONERS PRESENT: Susan Dvorak, Bruce Junor, Bert Ashland, Brendan O'Reilly

COMMISSIONERS ABSENT: John Clarey

STAFF PRESENT: Charlene Reynolds, Airport Director
Rick Francis, Assistant Airport Director
Mark Sanchez, Deputy County Counsel
Christine Nguyen, Deputy County Counsel
Scott Hagen, Deputy Airport Director, Operations
Robert Holden, Landside Operations Manager
Jeff Rountree, Airside Operations Manager
Evanna Barbic, Interim Deputy Airport Director, Business Development
Amy Goethals, Concessions Manager
Komal Kumar, Deputy Airport Director, Finance Administration
Hector Gomez, Finance and Fiscal Administration Manager
Elizabeth Gallegos, ASR Manager
Kathleen Ramirez, Executive Secretary

CALL TO ORDER: Chair Ashland called the meeting to order.

PLEDGE OF ALLEGIANCE: Commissioner O'Reilly led the assembly in the Pledge of Allegiance.

1. APPROVAL OF MINUTES: On Commissioner Junor's motion and Commissioner O'Reilly's second, the Regular Meeting minutes of August 17, 2022, were approved. Chair Ashland abstained from voting.

2. APPROVE AMENDMENT NUMBER EIGHT FOR AIRCRAFT RESCUE AND FIRE FIGHTING SERVICES (ASR 22-000720) (Agenda Item #4) Deputy Airport Director of Operations Scott Hagen presented Amendment Number Eight to extend the Contract for Aircraft Rescue and Fire Fighting (ARFF) services with the Orange County Fire Authority (OCFA). Scott provided a background of the primary purpose of ARFF services, the contract history for the past 27 years, and the Federal Aviation Administration (FAA) requirements. Scott discussed the John Wayne Airport (JWA) response categories based primarily on the potential number of aircraft occupants (passengers and crew). Scott provided the Commission with JWA ARFF response statistics from 2017 – 2022, photos of the ARFF Vehicle Fleet, ARFF support equipment, and an ARFF apparatus log. Scott also provided examples of other services that OCFA provides under this Contract.

Chair Ashland asked the distance ARFF would travel if an aircraft landed off the airport. Scott provided an example that a reserve truck (a 3,000-gallon truck) would be sent out and could travel five miles north and south and three miles east and west of the Airport, which is considered the response area. Commissioner Dvorak asked what accounted for the \$9 million increase from Amendment Six and if that was part of the four percent capped increase each year. Scott responded that he believed the four percent capped increase was part of the rate from 2002. Commissioner Dvorak stated that in 2011, JWA was asked by the Board of Supervisors (Board) to conduct a feasibility study and asked if that would occur again. Scott responded that it was a one-time request by the Board in 2011, and the Board decided to proceed with contracting the services with OCFA. Commissioner Junor asked since this Amendment is effective through 2027, if any matters supporting the General Aviation Improvement

Program will have been completed. Scott stated that the volume of additional traffic the Airport will handle would not exceed what the FAA requires for the ARFF index, and this Contract will meet the needs of the Airport for the next five years. Commissioner O'Reilly asked if Aqueous Film Forming Foam (AFFF) is still allowed. Scott replied that it is, but the FAA is working on a certification of a fire fighting foam that has no Per- and polyfluoroalkyl substances (PFAS). Commissioner O'Reilly also asked if a 40-ton Crane is a Federal Aviation Regulation (FAR) Part 139 requirement. Scott responded that it is not a requirement, but depending on the situation, the crane may be able to tow a small disabled aircraft from the runway and operations can be restored much faster. Commissioner Dvorak asked when the contract would be out for bid again. Scott replied that he does not anticipate that ARFF services will be bid out in the future unless directed by the Board or Airport Director.

Public Comment: On behalf of Station 33, OC Fire Chief Brian Fennessy expressed his gratitude to JWA for a long-standing relationship with the Airport providing ARFF services for nearly 30 years. Fire Chief Fennessy thanked OCFA Chief Sherwood, OCFA firefighters, OCFA's Board of Directors and Executive Committee, Scott Hagen, JWA staff, the Orange County Board of Supervisors, and the Orange County Airport Commission for a continuous partnership.

On Commissioner O'Reilly's motion and Commissioner Junor's second, this item was unanimously approved.

- 3. APPROVE AMENDMENT THREE TO CONCESSION LEASE WITH BAMBUZA OC VENTURES, LLC (ASR 22-000683)** Concessions Manager Amy Goethals presented Amendment Number Three to the Specialty Concession Lease with Bambuza OC Ventures, LLC dba the Coffee Bean & Tea Leaf (Bambuza.) The Board of Supervisors (Board) previously awarded Bambuza to operate four coffee locations (three pre-security and one post-security). JWA is seeking Board approval to amend the Lease locations and permitted use, modify the Minimum Annual Guarantee (MAG) for coffee locations and authorize Percentage Rent for Sambazon Acai Bowl (Sambazon) Kiosk in Terminal B. JWA is requesting to eliminate one coffee location in Terminal A Pre-Security and a second in Terminal C Pre-Security location that is next to the TSA checkpoint. As well as relocate the coffee location in Terminal C Post-Security to its interim location between gates 16 and 17 and allow Bambuza to operate a Sambazon kiosk on the post-security departure level in Terminal B.

Commissioner Dvorak thanked JWA staff for the tour of the concession areas at the Terminal prior to this evening's Commission meeting. Commissioner Dvorak also asked how staff determines whether rent is calculated by MAG or a percentage rate. Amy Goethals responded and stated that all of the Coffee Bean & Tea Leaf locations originally proposed and awarded in Phase 1 will still have the MAG and percentage rate in place. As the industry moves away from MAG due to COVID-19, the new Sambazon location will move to percentage rent. The Airport believes that if the concessionaire does well, then the Airport will be paid a percentage rent, and the Airport's revenue will also do well. Commissioner Dvorak also asked if the Leases are for 13 years. Amy responded that all of the Phase 1 Food & Beverage Leases were approved by the Board for 10 years plus a two-year extension and a one-year lease extension option. Commissioner Junor asked if JWA staff had a business working model to determine the costs. Amy responded that JWA uses factors such as the economy and per square foot estimates from comparable airports, such as Oakland International Airport and San Diego International Airport, to project what the per square foot building cost will be. Commissioner O'Reilly complimented JWA staff on the concessions at the Airport.

On Commissioner O'Reilly's motion and Commissioner Dvorak's second, this item was unanimously approved.

- 4. PRESENTATION Operations Update (Agenda Item #2):** Landside Operations Manager Robert Holden presented a Landside 101 presentation to the Airport Commission. Landside Operations manages and oversees all aspects of the Terminal and parking facilities, commercial ground transportation, including TNC's, door-to-door and courtesy shuttles, limousines, taxis, and buses, operation of the valet service, courtesy vehicles, taxicab service, employee shuttles, and verifies and enforces their contractual obligations. Landside Operations directs staff and contract services to

implement landside safety, transportation, and parking operations and oversees Terminal operations, including Terminal tenant relations, contract enforcement, construction coordination, and investigation of guest parking inquiries, complaints, and suggestions related to Terminal operations. Landside Operations also coordinates with outside agencies, such as California Public Utilities Commission, California Highway Patrol, Caltrans, and others.

Airside Operations Manager Jeff Rountree presented an Airside 101 presentation to the Commission. Airside Operations ensures safe and secure day-to-day operation of the airfield and associated facilities with daily scheduled inspections and routine patrols. Airside also maintains compliance with state and federal regulations, including 14 CFR part 139, Airport Rules & Regulations and the Phase 2 Commercial Airline Access Plan & Regulation, coordinates with OCSD and OCFA, FAA control tower staff, OCPW, TSA, air carriers, airfield tenants, and other Airport user groups during regular and emergency operations, oversees daily inspections, maintains policies and procedures, and Airport Certification Manual (ACM) standards and provisions, issue NOTAMs related to airfield conditions, and coordinate Terminal Gate and Remain Overnight Space usage.

The Commission discussed the landside revenue, airport signage, and flowage fees and thanked the Operations staff for the presentation.

5. **DISCUSSION Airport Noise Violation Committee:** Airport Director Charlene Reynolds spoke to the Commission regarding formalizing the Airport Noise Violation Committee (Committee). Deputy County Counsel Mark Sanchez discussed the procedure of selecting three Committee members by lottery on an annual basis, per the Orange County Airport Bylaws (Bylaws). Pursuant to the Bylaws, the selection would occur during the first meeting of the calendar year. The Commission discussed selecting the Committee members at a future meeting to serve for the remainder of 2022 or waiting until the first meeting of the year to select the members for 2023.

Chair Ashland asked how often the Committee would be called upon to meet. Mark Sanchez stated that the Committee has not met to date and would only meet if a noise violation is appealed to the Committee or referred to the Committee by the Airport Director. The Airport Director can grant relief in accordance with that notice of appeal, modify the violation, or uphold the violation and refer it to the Committee. The Commission agreed that the Committee needs to be selected at the year's first meeting.

Public Comment: Newport Beach resident Jim Mosher spoke to the Commission regarding the Bylaws. Jim Mosher stated that the new Bylaws have not been posted to the website and questioned whether the Board has already approved the new version that Counsel was referencing. Jim Mosher requested the new Bylaws be posted on the Airport's website, replacing the version from 2000. Jim Mosher asked if there is a fee to file an appeal and if the General Aviation Noise Ordinance (GANO) violators know they can appeal.

Mark Sanchez stated that the Board approved the Bylaws on July 26, 2022.

6. **SUMMARY OF RELEVANT ACTIONS BY THE BOARD OF SUPERVISORS (Board)** Airport Director Charlene Reynolds stated that on August 23, 2022, the Board Approved, as Recommended, to renew the Contract with LAZ Parking for shuttle services.

7. ADDITIONAL BUSINESS

A. PUBLIC COMMENTS – None

B. AIRPORT DIRECTOR COMMENTS – Airport Director Charlene Reynolds provided an update to the Commission regarding the FAA approval of unleaded aviation fuel for piston fleet. A timeline of implementation for JWA will be determined by our Fixed Based Operators, who provide fuel for the general aviation operators.

C. AIRPORT COMMISSION COMMENTS – Commissioner Junor and O'Reilly thanked JWA staff for providing them with an Operations presentation and updating the Commission.

8. ADJOURNMENT OF PUBLIC MEETING The meeting adjourned at 6:48 p.m.

Respectfully submitted,

Elizabeth Gallegos, ASR Manager