



ORANGE COUNTY AIRPORT COMMISSION
AIRPORT COMMISSION HEARING ROOM
3160 AIRWAY AVENUE
COSTA MESA, CA 92626

JOHN WAYNE
AIRPORT
ORANGE COUNTY

MINUTES OF REGULAR MEETING

JUNE 7, 2023

COMMISSIONERS PRESENT: Susan Dvorak, Chair, Fifth District
P. Alberto Sandoval, Commissioner, First District
Sal Tinajero, Commissioner, Second District
Bruce Junor, Commissioner, Third District

COMMISSIONERS ABSENT: Brendan O'Reilly, Vice Chair, Fourth District

AIRPORT STAFF PRESENT: Charlene Reynolds, Airport Director
Mark Sanchez, Deputy County Counsel
Christine Nguyen, Deputy County Counsel
Hector Gomez, Interim Deputy Airport Director, Finance Administration
Kim Kitko, Deputy Airport Director, Business Development
Amy Goethals, Concessions Manager, Business Development
Evanna Barbic, Real Estate Manager, Business Development
Jessica Dixon, Asset Manager, Business Development
Kellie Billante, Asset Manager, Business Development
William Bogdan, IT Manager
Elizabeth Gallegos, ASR Manager

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

PLEDGE OF ALLEGIANCE: Commissioner Tinajero led the assembly in the Pledge of Allegiance.

- 1. **APPROVAL OF MINUTES:** On Commissioner Junor's motion and Commissioner Sandoval's second, the Regular Meeting Minutes of May 17, 2023, were approved by a unanimous vote.
- 2. **AWARD CONTRACT FOR JWA VERTICAL CONVEYANCE SYSTEMS IMPROVEMENTS PHASE I (ASR 23-00463)**

Recommended Action: Award a contract to Swinerton Builders to provide Design and Construction Services for the John Wayne Airport Vertical Conveyance Systems Improvements Phase I for a Guaranteed Maximum Price of \$18,986,864, which includes Phase I – Design Services and Pre-Construction Phase Services and Phase II – Construction Phase Services, effective upon Board of Supervisors approval, to be completed within 892 calendar days of the effective date of the Notice to Proceed; Authorize the Director of OC Public Works or designee to execute the contract with Swinerton Builders; Authorize the Director of OC Public Works or designee to amend the contract, in substantially the same form, for approval of Guaranteed Maximum Price phases, with the condition that the total sum does not exceed \$18,986,864.

OC Public Works Facilities Design & Construction Section Manager Justin Gollither provided the Airport Commission with a presentation on the replacement of Escalators 1-6 in Terminals A and B.

Justin Gollither answered questions from the Airport Commission regarding how guests will access specific areas when the escalators are down, the contract time, the service life of the existing escalators, the anticipated lifetime of the new escalators, and the number of respondents to the Request for Qualification (RFQ).

The following is the action taken by the Orange County Airport Commission: On Commissioner Tinajero's motion and Commissioner Junor's second, Item No. 2 was approved by a unanimous vote.

APPROVE OTHER DENIED

Unanimous (1) Sandoval: Y (2) Tinajero: Y (3) Junor: Y (4) O'Reilly: X (5) Dvorak: Y

Vote Key: Y=Yes; N=No; A=Abstain; X=Excused

3. AWARD CONTRACT JOHN WAYNE AIRPORT TERMINAL ACCESSIBILITY IMPROVEMENTS PHASE I (ASR 23-000525)

Recommended Action: Award a contract to Swinerton Builders to provide Design and Construction Services for the John Wayne Airport Terminal Accessibility Improvements Phase I Project for a Guaranteed Maximum Price of \$28,075,658, which includes \$3,523,114 for the Design Services and Pre-Construction Phase, effective upon Board of Supervisors approval, to be completed within 869 calendar days of the effective date of the Notice to Proceed; Authorize the Director of OC Public Works or designee to execute the contract with Swinerton Builders; Authorize the Director of OC Public Works or designee to amend the contract, in substantially the same form, for approval of Guaranteed Maximum Price phases, with the condition that the total sum does not exceed \$28,075,658; and make CEQA findings.

OC Public Works Facilities Design & Construction Section Manager Justin Gollhofer gave the Airport Commission a presentation outlining the exterior and interior improvements to the Airport. Exterior improvements will include the path of travel from Campus Drive to the Terminal, as well as the path of travel from MacArthur Boulevard through the parking structure and curbside areas. The interior improvements will include renovating 12 public restrooms in Terminals A & B and installing two lactation pods and adult changing tables. Justin shared concept renderings and discussed that different colors, features, and Orange County representations would be integrated.

Justin Gollhofer responded to questions from the Airport Commission regarding the interchangeable panels, the ingress and egress of the restrooms, the impacts on traffic during curbside construction, only one contractor responding to the Request for Qualification (RFQ), and how much of this project would be covered by Federal Aviation Administration (FAA) grants.

Airport Director Charlene Reynolds responded to the Commission's comments regarding better messaging and branding (sense of place) at the Airport.

The following is the action taken by the Orange County Airport Commission: On Commissioner Tinajero's motion and Commissioner Junor's second, Item No. 3 was approved by a unanimous vote.

APPROVE OTHER DENIED

Unanimous (1) Sandoval: Y (2) Tinajero: Y (3) Junor: Y (4) O'Reilly: X (5) Dvorak: Y

Vote Key: Y=Yes; N=No; A=Abstain; X=Excused

4. APPROVE AMENDMENT ONE FOR WIRELESS PUBLIC INTERNET ACCESS AGREEMENT (ASR 23-000504)

Recommended Action: Approve and execute Amendment Number One to the Wireless Public Internet Access and Distributed Antenna System Agreement with Concourse Communications, LLC (Boingo Wireless) to extend the term effective August 1, 2023, through July 31, 2033.

Concessions Manager Amy Goethals presented the recommended action and discussed the proposed Amendment to extend the existing agreement for an additional 10-year term to provide enhanced wireless coverage throughout the terminal and parking garages.

Amy Goethals responded to questions from the Airport Commission regarding the revenue from Boingo Wireless to the Airport and the trial deployment of Wi-Fi 6 in 2019.

Boingo Wireless' Vice President of Account Management, Danielle Aiello, spoke to the Airport Commission regarding Boingo's business model and responded to questions regarding the wireless access points.

IT Manager William Bogdan responded to the Airport Commission's questions regarding wireless public internet access and the Distributed Antenna System, Wi-Fi 6, and Boingo's security plan.

Public comments were received in writing in advance of the meeting and are attached to the Minutes.

The following is the action taken by the Orange County Airport Commission: On Commissioner Tinajero's motion and Chair Dvorak's second, Item No. 4 was approved by a unanimous vote.

APPROVE OTHER DENIED

Unanimous (1) Sandoval: Y (2) Tinajero: Y (3) Junor: Y (4) O'Reilly: X (5) Dvorak: Y
Vote Key: Y=Yes; N=No; A=Abstain; X=Excused

5. APPROVE PEER-TO-PEER VEHICLE SHARING LICENSE WITH TURO, INC. (ASR 23-000510)

Recommended Action: Approve and execute a license with Turo Inc. for Peer-to-Peer Vehicle Sharing for a term effective August 1, 2023, through July 31, 2024, with an option to extend for up to one year; Authorize the Airport Director or designee to make minor modifications and amendments to the license that do not materially alter the terms or financial obligations to the County and perform all activities under the terms of the license; and make CEQA findings.

Deputy Airport Director of Business Development Kim Kitko discussed the recommended action and the revenues from Turo Inc. (Turo) to the Airport.

Kim Kitko responded to questions from the Airport Commission regarding Turo's customers, the Airport's liability, vehicle markings, and the check-in process.

The following is the action taken by the Orange County Airport Commission: On Commissioner Tinajero's motion and Commissioner Sandoval's second, Item No. 5 was approved 3-1. Commissioner Junor voted no.

APPROVE OTHER DENIED

Unanimous (1) Sandoval: Y (2) Tinajero: Y (3) Junor: N (4) O'Reilly: X (5) Dvorak: Y
Vote Key: Y=Yes; N=No; A=Abstain; X=Excused

6. SUMMARY OF RELEVANT ACTIONS BY THE BOARD OF SUPERVISORS (Board) Airport Director Charlene Reynolds stated that on May 23, 2023, the Board Approved, as Recommended, Amendment One for Cyber Security Assessment and Audit Services with Tevora Business Solutions, Inc.

Public Comment: Newport Beach resident Jim Mosher informed the Airport Commission that on June 13, the Airport's yearly budget would be reviewed by the Board of Supervisors and inquired if the Commission reviews the budget and asked about the \$96 million Debt Service Fund.

7. ADDITIONAL BUSINESS

A. PUBLIC COMMENTS –

Public Comment: Newport Beach resident Jim Mosher commented on the number of noise complaints received by the Access and Noise Office (ANO) daily as reported in the Quarterly Noise Reports. Mosher asked if an analysis has been conducted from the data collected of those complaints and what conclusion has been found. Mosher recommended the Commission request a presentation of those findings to see what the Airport has learned over the years and if it's a good use of resources.

Commissioner Sandoval asked staff to share the process when a noise complaint is received and asked if the Federal Aviation Administration (FAA) receives the data the Airport collects.

Airport Director Charlene Reynolds responded that the FAA does not receive all the data. The Airport maintains its own records per the Settlement Agreement and has its own process for responding to community members. The FAA has its own separate process. Noise complaints can be submitted directly to the FAA or the ANO. The ANO collects that data to ensure that commercial aircraft comply with the Settlement Agreement and stated that the ANO could provide a presentation to the Commission to share how they process and analyze the data.

Chair Dvorak requested the ANO provide a presentation addressing the questions from the public comment.

B. AIRPORT DIRECTOR COMMENTS

Airport Director Charlene Reynolds shared that on Monday, June 12, she will be recognized by the FAA as Aviation Partner for community partnership. Charlene also shared that June 6, 2023, marked her first year anniversary with John Wayne Airport and thanked Airport staff, the Board of Supervisors, and the Airport Commission for their support over the last year.

C. AIRPORT COMMISSION COMMENTS

- None

8. ADJOURNMENT OF PUBLIC MEETING The meeting adjourned at 6:32 pm.

June 7, 2023, OC Airport Commission Agenda Comments

These comments on [Orange County Airport Commission](#) agenda items are submitted by:

Jim Mosher (jimmosher@yahoo.com), 2210 Private Road, Newport Beach 92660 (949-548-6229)

Item No. 4. APPROVE AMENDMENT ONE FOR WIRELESS PUBLIC INTERNET ACCESS AGREEMENT (ASR 23-000504)

The agenda announcements are normally clear about the financial impact of the recommendation.

In this case (and the next) the agenda says nothing about that. Nor does the ASR summary.

One has to hunt through the report to find this is an agreement under which the vendor is offering to pay to provide service at JWA, and the amounts they will be obligated to pay do not appear to be accurately reported in the statement of Financial Impact at the bottom of page 2, where it says that over the 10-year term, JWA will receive revenue of "\$1,500,000."

First, that appears to be a reference to a \$150,000 annual fee to be paid to JWA per Exhibit E on page 35 of the PDF, which is not mentioned anywhere in the report.

Second, it is unclear how this relates to required additional investments mentioned in the preceding paragraphs of \$1,490,000 plus \$300,000, which add to \$1,790,000. Do those go into equipment owned by the vendor? Or will they be retained by JWA for possible use by a different future vendor?

More importantly, what is in this for the vendor? Are they offering to provide free WiFi (and if so, why would they pay to do so)? Or are they offering to provide pay-for-use WiFi?

Finally, it is unclear if the possibility of this 10-year extension was envisioned in the original bidding and contract. If it was not, shouldn't other vendors have been considered? And shouldn't the appropriateness of the \$150,000 annual fee have been reevaluated?

Item No. 5. APPROVE PEER-TO-PEER VEHICLE SHARING LICENSE WITH TURO, INC. (ASR 23-000510)

The report says "Turo projects JWA's monthly revenue to be in the range of \$40,000 -\$60,000 per month" as a result of JWA receiving 10% of "gross receipts," but does not explain (at least in a way I can understand) either why a license is required or what events will be generating these "receipts" and revenue.

It may also be missing a word for the "License Agreement Terms" section ends with "*in no event will the security deposit be adjusted below _??_.*"

It would have been helpful to explain how "peer-to-peer vehicle sharing" would work.

From the staff report, it sounds like it might consist of nothing more than Turo customer arriving at JWA in a vehicle they have rented from its owner. I am guessing the License would allow Turo to operate like a rental car company, parking a fleet of privately-owned cars at JWA, which an arriving traveler could rent through Turo for the duration of their stay, returning the vehicle to JWA before their departure.

Item No. 7.A. PUBLIC COMMENTS

The current agenda includes Commission review of four Agenda Staff Reports directed by JWA staff to the Board of Supervisors. The boilerplate at the top of the agenda correctly cites Orange County Codes [Section 2-1-19](#) in noting that any action taken on these is “advisory to the Board of Supervisors.”

It seems important to note that Section 2-1-19 does not restrict the Commission’s powers to advising on staff-prepared ASR’s.

Section 2-1-19 also allows the Commission “*To advise the Board and **make recommendations on any matter pertaining to airports or air transportation**” and “**To make such investigations as it may deem necessary** in the exercise of the powers enumerated in this Section,” with such investigations receiving the full cooperation of the Airport Director.*

This would clearly seem to give the Commission license to initiate investigations and make recommendations to the Board on topics independent of the ASR’s originating from JWA staff.

Such investigations could be as simple as asking for a presentation on a topic of the Commission’s choosing, as the Commission sometimes does.

One topic I can think of that the Commission may want a report on is whether JWA is usefully and efficiently processing the community complaints it receives.

With regard to complaints about noise, JWA provides on its website a [Noise Event Form](#) which says “*We value your concerns regarding aircraft noise. The information and details you provide is invaluable in helping us analyze and manage noise. Having complete information helps us identify trends and potential issues in your neighborhood.*”

The form asks the submitter to characterize the event being reported as “Too Low, Too Loud, Too Frequent, Too Early, Too Late, Flight Path or Other” (pick one).

The reply, if requested, informs complainants the County “*strictly enforces operational and noise limits at JWA*” and “*Your concern was registered into our database.*”

JWA receives a large response from the public.

According to the Access and Noise Office’s [Noise Abatement Quarterly Reports](#), it received 399,810 complaints in 2022, or more than 1,000 per day. But the only other information it provides beyond the raw number is “Heat Map” showing where in the County they originate (Figure 3 in each report), and a table listing complaint counts by community, and how many were generated by an automated subscription service (less than 10% in 2022).

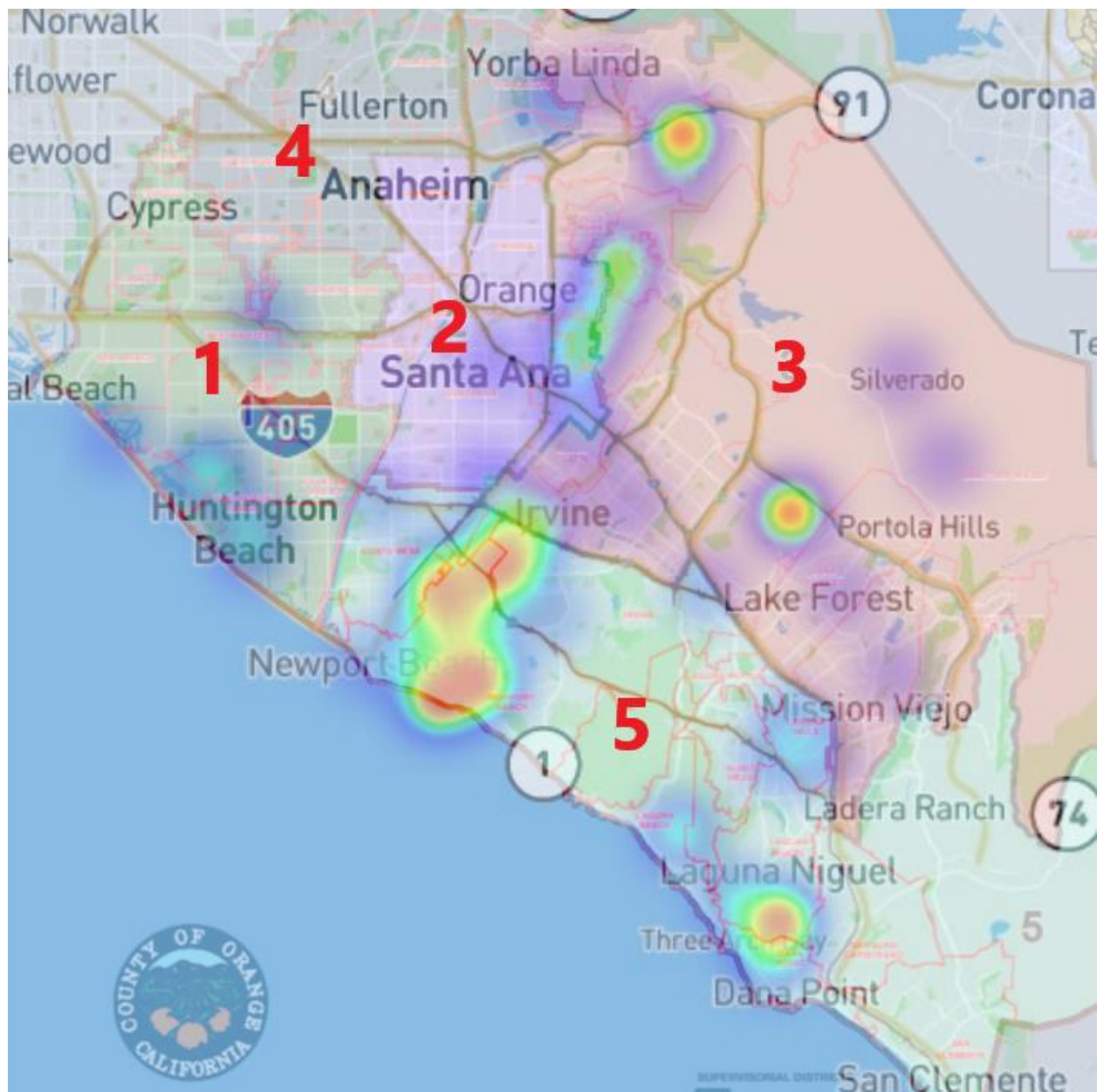
Digging a little deeper, one discovers the GANO Semi-Annual Reports posted on the same page as the Quarterly Reports tell how many of the complaints each month were ascribed to General Aviation aircraft. For 2022, they totaled 34,052 of the year’s 399,810 complaints.

But beyond this, the public knows nothing. We aren’t told where the GA complaints are coming from. We aren’t told how many of the non-GA complaints were found to be related to JWA-associated aircraft at all. We don’t know many of the complaints were for planes “Too Low, Too Loud, Too Frequent, Too Early, Too Late, Flight Path” or any other category. We don’t know what models of aircraft produce the most complaints, or where. We don’t know if Alaska

Airlines, which some residents have branded a “bad” operator generates a disproportionately high number of complaints, or if Spirit Airlines, which has been labeled by some as a “good” one generates disproportionately few.

We do know from looking at the Quarterly Reports that the number of complaints increased greatly (10 or 20-fold) after introduction of an automated subscription complaint service in 2018 or so, at its peak of popularity reportedly accounting for 98% of complaints in April through June 2019. But that is now reportedly down to less than 10%, yet the number of complaints remains about the same as at the peak, and far above what it was in former years.

The following image shows the [complaint Heat Map](#) from the most recent (October-December 2022) Quarterly Report superimposed on the map of Supervisorial districts. It indicates not knowing what people are complaining to JWA about is a Countywide problem.



PUBLIC COMMENT RECEIVED 6-6-2023

June 7, 2023, Airport Commission comments - Jim Mosher

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Not knowing either the motives or accuracy of people providing the complaints, I have my doubts as to the value of any of this information, but after what I would guess is more than 50 years of collecting complaints, I would think the airport would be able draw some conclusions from them.

How many man-hours have been spent processing complaints?

What "trends and potential issues" have been identified as a result of doing that?

How has this information helped JWA "analyze and manage noise"?

If the information has not proved useful, could the process be streamlined or better automated to free up resources?