

**VAN NUYS AIRPORT CITIZENS ADVISORY COUNCIL**  
**Tuesday, August 4, 2009**  
**MINUTES**

A meeting of the Van Nuys Airport Citizens Advisory Council (CAC) was called to order at 7:05 p.m. by Chair Rick Flam. Members present: Bob Jackson, Ron Merkin, Wayne Williams, Gerald Silver, Harold Sullivan, James Wildman, Rick Flam, Bob Frazier, Harold Lee, Audrey Madrigal and Ken Miller.

Members Absent: Laurence Rabe, Chris Nassif, Don Schultz, Wendy Saunders and Dave Sotero.

The Council vacancies as of August 4, 2009 are as follows: one appointment from the Office of Councilmember Alarcon and one appointment from vacant Council District 2.

The minutes from July 7, 2009 Council meeting were unanimously approved.

**1). REPORT FROM THE CHAIR**

**A. Berman and Schiff Call for FAA to Approve Mandatory Nighttime Curfews at Bob Hope and Other Local Airports in Southern California – Discussion/Action**

The Chairman asked Mr. Silver to speak about the Bob Hope Airport Nighttime Curfew.

Mr. Silver stated that the letters from Congressmen Berman and Schiff regarding this matter have been circulated to all CAC members, and that he believes this issue is moving in the right direction.

The Chairman stated he would like to bring the CAC's attention to one of the hand-outs this evening regarding the jet operations at VNY. He summarized the information contained in the reports and asked Ms. Birk who had compiled this information.

Ms. Birk stated that Len Kruegler from VNY's Noise office had prepared the reports and that the source of information is the FAA and for night time operations it was VNY's airport operations staff who hand logs night operations.

Ms. Birk stated that the transition from the old noise system to the new noise system has been challenging; once the new noise system was running properly Len Kruegler would be able to provide the reports for tonight's CAC meeting.

The Chairman mentioned that all the reports distributed to CAC Members are available to the public.

Mr. Jackson stated that the CAC was down to two vacancies; Councilmember Alarcon and Councilmember Gruel. Councilmember Weiss has been replaced by Councilmember Koretz and Councilmember Gruel will be replaced at the next election.

Mr. Silver inquired about the DVD that was handed out regarding Castle & Cooke Aviation Declaration.

Ms. Birk stated that it was produced by LAWA's Environmental Office and she said it is regarding Castle & Cooke proposal to tear down two hangars and build a single hangar in their place and it included their negative declaration based on the square footage remaining for the replacement hangar.

Mr. Silver asked when the comment period on the Castle & Cooke proposal would close. He also stated that if it is still open it is appropriate that the CAC has this information; however if it closed prior to the CAC receiving this than it should have been distributed a lot earlier.

The Chairman stated that the CAC would put the Castle & Cooke matter on the September agenda for update.

Ms. Birk stated that she usually receives notice of public comment periods, and that there was a letter distributed at the last CAC meeting, also there was a presentation regarding the Castle & Cooke project made at the Lake Balboa Council which happened the same night as the CAC meeting. Ms. Birk stated that Ms. Karen Hoo is the LAWA representative that announces comment dates.

The Chairman asked Ms. Birk on behalf of the CAC to contact Ms. Hoo and let her know that in the future the CAC would like to be notified about any public periods that affect or relate to any issue regarding VNY.

## **2.) STAFF REPORTS**

Ms. Birk stated that the August 10<sup>th</sup> due date for the Golf Course RFP has been extended to August 28<sup>th</sup> because of questions that potential proposers sent to LAWA staff.

Mr. Sullivan asked if the City will have a meeting for the proposers.

Ms. Birk stated there was a pre-proposal conference about a month and half ago and after there will be interviews once we see the proposals. The date for this and all the notifications are printed in the request for proposals.

Ms. Birk also stated that the Daily News each year solicits their readers for a list of their "Favorites." The readers chose Van Nuys Airport as their favorite airport beating out Burbank, LAX, Santa Monica and Long Beach Airports.

Ms. Birk stated that VNY provides information to the Daily News but does not know what the Daily will be using until they make their editorial decisions.

The Chairman requested that Ms. Birk contact the Daily News so the CAC can get better feedback as to the specifics of the comments that were made.

Ms. Birk stated she would follow up.

Ms. Sanchez mentioned that the poll was done between June and July and the special publication will come out later in August this month.

Mr. Wildman stated that at the July 21<sup>st</sup> BOAC meeting there was a request for proposals for a change for the parking structure meter at VNY and he asked Ms. Birk if she knows what it was about.

Ms. Birk informed the council that Cubic is the current software provider. LAWA is doing a request for proposals to replace the infrastructure at all of the different airports. We are working towards a cashless system in all of the processes and at all of the airports particularly with the FlyAway. They are working on opening another five or six FlyAways over the next few years.

Ms. Sanchez mentioned that at the next CAC meeting photographs would be taken.

## **3.) BOAC AGENDA ITEMS CONCERNING VNY**

### **A. Propeller Park Lease with Pacific Aviation: Discussion/Action**

Ms. Birk stated although the Propeller Park lease has not yet been scheduled for a Board meeting; it will be coming in the next few months. The CEQA study is coming to a conclusion and it is anticipated that public comment process to begin at the end of the month. Once we have an exact date we will let everyone know. Ms. Birk introduced Mr. Steve Argubright, the preferred proposer.

Mr. Argubright, gave an update on the status of the Prop Park. Including the negotiation for the 30-year lease with LAWA that should be completed by the end of August 2009. He stated that they submitted plans today for the concept approval which he believes will possibly take up to 30 days. Mr. Argubright mentioned they are working on their airport operations plan, meaning the aircraft operations, at the Prop Park. They are working on the redesign of the facade part of the park; he would like to soften it. The RFP required for the colors to be tan and we are trying to be more creative. He stated that they are trying to go to a near waterless landscaping.

Mr. Williams asked how many aircraft they are hoping to house at the Propeller Park.

Mr. Steve Argubright stated 305.

Mr. Williams asked if Mr. Argubright is considering environmentally friendly and energy efficient systems for the Park, including possible solar power generation.

Mr. Argubright stated that because there is not any "net" metering involved and Edison and DWP opposed to providing "net" metering" for cost reasons there will be limited solar around the buildings. He stated that there is some authority that support using our excess and power, however it would require additional study and consultation with DWP, Edison and other tenants at VNY.

Mr. Williams stated that he would like to suggest to City Staff that it explore the opportunity to use that Prop Park facility as an example for future of greening the airports. That could lower the electrical cost at VNY Airport.

Mr. Williams asked Ms. Birk if she could provide information about the cost of the electrical bill at VNY, and she stated that she did not have the exact numbers.

#### **4.) NEW BUSINESS**

##### **A. RECONSIDERATION AND REVOTE on Helicopter Motion Passed July 7<sup>th</sup> – Discussion/Action**

The Chairman stated, after consulting with his co-Chair, Don Schultz, and considering the Brown Act issues, he and Mr. Schultz had decided list the Helicopter motion as an agenda item for this meeting and conduct another vote on the motion previously adopted in July.

Mr. Silver moved for the motion to be adopted as originally stated.

Mr. Williams seconded.

To ensure required public notification, and compliance with the Brown Act, the Van Nuys Airport Citizens Advisory Council (VNYCAC), at its meeting held on August 4, 2009, decided to reconsider its action approving the motion stated below, passed at the CAC's July 2009 meeting.

The following motion was approved by a unanimous vote:

“Whereas, the Van Nuys Airport, (VNY) Helicopter Operator Airport Neighbor Forum conducted on May 7<sup>th</sup> 2009 established a good dialog between the two parties and involved both VNY Airport, LAWA and FAA staff and whereas, it was realized that certain helicopter routes, including Bull Creek, may no longer be viable for reasons such as pilot’s difficulty in locating the route and that it is directly surrounded by residences, and whereas, the Forum participants agreed to work further to find solutions to all such helicopter noise issues, therefore be it resolved that the VNY CAC recommends that the FAA and LAWA re-evaluate all of the existing designated routes and procedures for helicopters arriving and departing Van Nuys Airport, and that an assessment be made as to which routes and procedures would impact the fewest number of residents while considering safety and noise aspects”.

Mr. Bill Mouzis from the public stated that the CAC did the right thing by adopting the above motion as is. He believes the motion stands on its merits and he is happy it passed.

## **B. New cashless fare system for the Van Nuys FlyAway transit system – Discussion/Action**

Mr. Wildman stated that he had read an article in the paper referring to a new cashless system for parking vehicles at the FlyAway. He cannot believe that U.S. currency is not acceptable and it seems that it might be illegal. Mr. Wildman stated that he checked with the author of the news release and he asked him two questions if it is legal and also if they received negative responses. Mr. Johnson the author answered yes and no. Mr. Wildman took it upon himself to do some further investigation and he stated that the U.S. Treasury Departments states that the Coin Act of 1965 makes it illegal to accept cash. Mr. Wildman stressed that he believes that LAWA and the FlyAway should be encouraging rider ship. Mr. Wildman stated that this morning he personally investigated the “cashless” system now being used at the FlyAway and he found it lacking in many respects. He also stated that he asked the security at the FlyAway if the parking structure accepted cash and they said, yes. He believes this is a slap in the face to the people who are trying to get off the freeways.

After explaining his concerns about the deficiencies with the “cashless” system Mr. Wildman made the following motion:

“Whereas the newly-imposed cashless procedure imposes extreme inconvenience to passengers of the Van Nuys FlyAway system by requiring only prescribed credit cards, And, whereas this procedure tends to alienate and discriminate against those of the public that the FlyaWay should seek to encourage, And, wheres in today's economy many people are shifting from credit cards because of usury rates or have never qualified for credit cards, And, whereas the imposed procedure tends to destroy any accumulation of a friendly FlyaWay customer attitude, therefore, the Citizens Advisory Council of Van Nuys Airport advises the BOAC to take immediate action to halt the cashless procedure and, furthermore, to require at least a 90-day study be established to determine the ratio of cash-versus credit card attempts at the ticket window in order to form a more creditable basis for future transactions.”

Mr. Jackson stated that LAWA seems to think that everyone has a credit card or a debit card but they don't. He stated that he has a 60 year background in aviation and he knows airports like the back of his hand. He has heard stories there have been mishandling of monies by the people that work at the FlyAway and he believes that if LAWA cannot control its personnel with a bookkeeping system then he wants the Mayor's office to know this is inappropriate.

Mr. Miller stated it is obvious that this is causing some problems; he had similar situations happen to him while he traveled to BART and not being local it does take some interpretation to figure out how the system works; however, ultimately it does work. Part of the problem that we have tonight is not knowing all of the problems and issues that LAWA has and now are trying to solve. He believes we need to hear that side of the equation so we can ultimately come to a conclusion and say that maybe LAWA isn't looking at all of the alternatives; one thing that we can do is acknowledge the fact that it is causing problems. Mr. Miller mentioned he used the FlyAway Sunday and they told him while he went on the bus at LAX that they are only accepting credit cards; for him that was not a problem but there were people in front of him who were panicking because they were not aware. He stated that Mr. Wildman's motion makes it premature for the Council to come to a conclusion but he does think that the Council should get some input from LAWA as to what the problems were that drove LAWA to this decision and if there were any alternatives that might have been missed or overlooked.

Ms. Madrigal stated that she appreciates Mr. Wildman bringing this issue to the council. She noted that the Ad states it is a cashless system and it will accept debit and credit cards. She then emphasized that a debit card is not the same as a credit because an individual would be using their own money coming directly from their checking account and they do not need to qualify for financing. She also stated that she appreciates Mr. Miller's comments because she also thinks that we need to understand the reasons why LAWA went to a cashless system and what transpired during that decision making. She mentioned that Mr. Wildman's motion talks about halting the cashless procedure and requiring at least a 90 day study and she doesn't think it is wise to ask LAWA to halt everything because they do not need to do that in order to do a study; the study can be done on the past meaning before the cashless system was implemented. They can evaluate how many people actually would have preferred credit cards instead of cash. Ms. Madrigal did agree with Mr. Miller that it is pre-mature to bring upon the above motion.

The Chairman asked Ms. Birk if there were signs at the FlyAway advertising the new cashless system. Ms. Birk stated Ads have been printed; news releases and there are two very large banners in the front of the FlyAway. She also stated that Ms. Sanchez is prepared to provide a presentation on the reasons why it was switched to a cashless system.

There was further discussion on the issue of the "cashless" parking system and comments were made by Mr. Silvers, Mr. Madrigal, and other members of the council, and by Staff, and Chairman recommended that the matter be placed on the agenda for a future meeting at which time the council could receive reports from LAWA as to the history for the cashless system and why it was adopted. He also asked members of the council to send Ms. Birk questions they would like to have answered on the subject.

Mr. Wildman withdrew his original motion and offered the following motion in its place:

"The Citizens Advisory Council of Van Nuys Airport hereby expresses to the BOAC its disappointment and dissatisfaction that the matter of cashless transactions and increased fares for the Van Nuys FlyAway system was not presented for the Council's consideration before it was introduced".

Mr. Wildman also stated that previously increased fair proposals were presented to the Council at its meetings on June 6, 2007 and May 6, 2008".

This motion was seconded.

The Chairman asked Mr. Wildman to accept a “friendly amendment” to his motion and strike the word “dissatisfaction” and Mr. Wildman agreed.

Mr. Silver stated that we should defer action on this item until the earlier suggestion is carried out and we can hear from LAWA. He also believes that this motion is condemning.

Mr. Miller stated that he believes Mr. Wildman’s second motion is not necessary speaking to the facts of how they necessarily came to that conclusion; it is just stating the fact that we weren’t in the loop as we should have been and possibly could have avoided having the issues that we are having. He supports the second motion unlike the first motion that requires a response for us to make a decision.

Ms. Madrigal stated that she agrees with Mr. Miller and she disagrees with Mr. Silver’s statement that the motion is condemning.

The Chairman asked the Council to adopt the resolution as amended.

The Council voted unanimously and the motion passed.

### **C. Authority of Chairman to attach letters and other documents to the minutes of the meeting – Discussion/Action**

The Chairman stated that at the last meeting Mr. Silver handed out a statement from a member of the community, Ms. Ellen Bagelman who had an interest in a matter before the Council. Mr. Silver asked the Chairman to attach the letter to the minutes authorize that statement to be a part of the record in the minutes and the Chairman stated that he believes it is appropriate when a member of the Council has material from a member of the community or other person with interest in a matter before the council but the person is unable to be at the CAC meeting the Chairman should have the discretion to authorize that written comment be included in the minutes, and he proposed that the Chairman have the discretion to do so.

Mr. Wildman asked if this is included in the Bylaws.

The Chairman stated that all the Bylaws say is that the minutes are suppose to reflect what transpired at the meeting.

Mr. Wildman stated that the Bylaws are in need of revision.

The Chairman stated he does not believe his proposal would violate the Bylaws.

The Chairman’s proposal, to be allowed to attached to the minutes written comments submitted by council members or other unable to attend a CAC Meeting was voted on and approved unanimously.

### **D. Noise Complaints from Lake Balboa area and Airport Noise Reports– Discussion/Action**

The Chairman asked if there is anyone here who would like to speak and indicate their concerns regarding this agenda item.

Mr. Sullivan stated he had a helicopter above his house at 5:55 a.m.; however, he understands that action has been taken regarding this.

Mr. Williams stated with all of the advertisements and brochures on all sorts of subjects about the airport he would like to suggest that the noise complaint line and the new web track website be listed on all of those brochures and advertisements that are published for the public to see. If they wish to report noise complaints or track aircraft that is over their house they can do so.

Ms. Birk stated that she agrees and the ad that will be in the Daily News regarding VNY also has a phone number for a 24 hour line and our website.

Mr. Williams noted it would be good if it also specifically stated a noise complaint line.

Ms. Birk said that it does say it and we are updating our noise brochure which will include the information.

Mr. Silver asked if Mr. Williams is inquiring that the information be printed on any airport ad.

Mr. Williams answered yes; any ad regarding the airport.

Ms. Birk noted that the FlyAway ad Mr. Wildman passed around is an LAX ad and it wasn't pertaining to VNY.

Mr. Williams stated that it would be fine with him if LAWA has web tracks for LAX and any other facilities along with a noise complaint line as well.

Mr. Silver stated he agrees with the sentiment of this suggestion; however, he believes with the amount of money LAWA puts out for an ad and that amount of open space on the ads it should be appropriate.

Mr. Wildman stated it is \$10,000 for the ad.

Ms. Sanchez stated that Mr. Schultz suggested that a few of months ago and we have been putting it on everything since.

Mr. Mouzis from the public stated that Ms. Ellen Bagelman who is a former president of the Van Nuys Neighborhood Committee recently sent him an email regarding NBC news coming on the air a half an hour earlier. She lives so close to the airport that when the news helicopters take off it is a real circus in the area.

Mr. Williams stated that he usually gets a wake up call around 4:45 a.m. because he lives by Sepulveda where the 101 and the 405 freeways meet.

Ms. Madrigal asked what the potential action is that the Council can take regarding this issue.

The Chairman mentioned the helicopter motion that was passed earlier and stated that we will follow up on that. He stated beyond helicopter noise we have a committee that deals with environment issues including aircraft noise.

**E. Noise exposure map Notice from the Federal Aviation Administration (FAA) – VNY Part 150 – Discussion/Action**

Mr. Silver stated that he had asked for this item to be put on the agenda because he was hoping to get clarification. This relates to Part 150 Study that was previously conducted and whether it meets the FAA requirements and hopefully they will be able to start getting reimbursement for some of the Part 150 expenses and not just for the abatement for conducting the study itself. Mr. Silver asked Ms. Birk to explain the status of the Part 150 Study.

Ms. Birk stated this is only one step in a multi step process. The FAA over the last five years has asked LAWA two or three times to update our modeling information and maps. After multiple submittals and multiple requests back from them to update information they have now formally accepted the maps. This is just one of the steps in the Part 150 process and this was providing their formal notification that they have accepted the maps and after they do that they have other steps that they must take. Ms. Birk noted that the FAA committed in that document to providing a response back to LAWA by the end of October with the formal results of the study.

Mr. Williams asked when they concluded the Part 150 and submit it to LAWA and then to the FAA, when was the last public meeting held.

Mr. Silver stated that it was 2003. He also stated he was concerned with the length of time that it takes to get the Part 150 reviewed before the Part 161 Study which has mandatory controls.

Ms. Birk stated that the Part 161 Study was not held up because we did not wait for the Part 150 Study as a submittal; LAWA had started the process three years ago. The 150 Study identified what would be studied but the two are not linked in the sense one has to conclude before the other one does.

Mr. Silver stated there are number of exhibits attached to the document and he thinks it would be interesting to look at these exhibits, particular some of the tables for type and frequency of aircraft operations, and nighttime operations. He stated that he would like to review these documents if they are available. Ms. Birk stated the documents are on the FAA website and they can provide the website for the Council before the next meeting.

The Chairman asked Mr. Merkin for an updated report regarding the CAC Communication Committee. He stated that the Committee met with the VNY Staff in April and with Mike Molina. They discussed ways for improving communications. One possibility was that every September meeting the VNY Staff could provide the CAC with a year overview for the coming year. He stated that the number priority would be for the CAC staff to inform the council immediately whenever issues initially arise.

## **F. Purpose of VNY CAC and Role with LAWA – Discussion/Action**

The Chairman introduced LAWA Commissioner Joe Aredas who was attending the meeting and he thanked Mr. Aredas for attending and being generous with his time. Mr. Flam stated this item is on the agenda because it has come up several times in the discussions he has had with the Council and it is of personal interest to him. He has felt that in the last year the Council has no idea what they are suppose to do and if they have any reason to exist other than to periodically have a meeting and have certain things on our agenda. Mr. Flam stated he isn't suggesting that the CAC ought to have a goal or something articulated; however, it is apparent to him that one of the big frustrations is that this is an organization in search for a purpose and that cuts down its effectiveness because it is very hard to generate continuity and participation if there isn't a purpose. He wants to know if we just send recommendations to LAWA or do we want to be involved in some way or in some matter so that the

Council represents this community and this airport as more than just a symbolic role. There may be people who disagree and he welcomes those disagreements and their thoughts.

Mr. Miller stated he appreciates that this item is on the agenda and he believes it is very valid. He has been on the Council for three years and has come to similar conclusion but he does not state it the same way. He thinks that the CAC has a purpose and has a desire but he doesn't know if it is necessarily perceived that way by BOAC or LAWA. The reality is we have had discussions and we have come up with recommendations and it goes away and how it is accepted and what the intention that the receiver has with the information is really the issue he would like to get clarified. He wants to know if they want the CAC's input and if they value the CAC's input; is our input something that they would encourage by giving us the information we need to make better decisions or at least give them our recommendations or are we here to basically placate those who say you have a place where you can come and talk but no one is really caring what you say. Mr. Miller stated his perception is that the CAC represents the various constituencies of the public involved with the airport and to give our particular bits of either expertise or how the airport may affect us but to give that information to those who are making the decisions; we are not here to make the decisions in terms of what the airport does but we are here to make the recommendations so that those who are in that position can factor that in and come to conclusions that will better serve everyone. Mr. Miller stated he does think it is an advisory commission that is meant to present the homeowners, business people, people of business of the airport; the one constituency that really isn't represented and its most concerning is those people that don't really appreciate the value of the airport. The fact of the matter is that the airport is an asset to the community in ways other than for those people who directly use it; the business that comes in and is conducted far out numbers the specific activities at the airport. Mr. Miller mentioned that he resides in San Fernando Valley; however the Port of Los Angeles should be important to him and he takes it for granted, he doesn't pay much attention to it and the fact of the matter is that it is bringing great impact to this community and to his life. He believes we need to pursue that group of people and represent them beyond those like himself that have a business here or those operate airplanes or the ones that live close. All of those people, every one of those elements need a voice and this is the place where it should be presented and that to him is a great purpose.

Ms. Madrigal stated that the CAC is representing the community by acquiring input from the community. It is ultimately the Council objective to determine what our role is and how we want to execute it.

Mr. Silver stated that Mr. Miller raises two questions and one is what is our role and the second is are the agencies listening to us so he would suggest we start by looking into our Bylaws. They are very specific and he quoted: "The purpose of this Council shall be to review issues affecting the operation and development of Van Nuys Airport and to provide advice and recommendations to the Board of Airport Commissioners, the Mayor's office, the City Council and other appropriate entities". Mr. Silver said that the other appropriate entities includes the FAA meaning the issues, the power operations, the departures that are clearly within our purview based on this. Whether the FAA listens to us he cannot speak for them but clearly we have a clear statement here. His only concern about the purpose stated is that it makes no reference to noise or environmental issues; he wished that was included.

Mr. Merkin stated that the CAC receives information and they disperse information. We should be receiving information from every part of the VNY operations that includes LAWA, BOAC and the FAA in a timely matter.

Mr. Williams stated that he gets the impression that what we really need is feedback as a result for what we put out. When we have issues regarding real estate or the issue that we brought up today; it would be really valuable for him to know that he is not spinning his wheels. He feels like he is providing an ear and a sympathetic shoulder and at the same time trying to be fair and supportive of people who are trying to make a living at the airport as long as it doesn't do harm to everyone around them. Mr. Williams noted he doesn't have any idea what we do at the CAC ultimately reaches those who have an opportunity to make that change; in some cases he knows it does because he has relationships with the Mayor's office and the BOAC but he doesn't see all the time the feedback that he believes would be really good to have.

Ms. Madrigal stated that she appreciates Mr. Silver reading the Bylaws because they clearly define what our purpose is regarding being an Advisory Body and providing input. She doesn't know if it would be necessary to go with Mr. Silver's recommendation of adding environmental and noise issues because it is already included in the Bylaws and it states: "to advise upon the operations of the airport", and she thinks we need to be open to all the issues regarding the airport.

The Chairman stated there are recent experiences in the last year in one area where the Council spent a considerable amount of time and that is the real estate issues involving people at the airport who had issues in regards to leasing policy and there has been a sense on his part that they have struggled to get information from LAWA as to what are the policy considerations. For instance we had a number of people coming before the CAC stating they had problems and then we tried to get information and it was very tough. The Chairman mentioned when Ms. Debbie Bowers came to the meeting; he stated she was very charming and he looks forward to her coming back. He stated that the CAC cannot advise on issues they do not have any information about; that is why we need to look at the Bylaws and possibly retouch them and include some specifics.

Commissioner Aredas stated that he had a conversation with Mr. Flam and he suggested that he write a letter to BOAC stating how the CAC envisions your role and they will write back; that will then clarify it. With regards to the letters of recommendation that the CAC sends he stated that they take them very seriously and he is disappointed that nobody has responded back to the CAC because the worst thing to get is a non response to a question. Commissioner Aredas stated that he worked in the Union for many years and when he didn't get a response it really upset him so he can understand the CAC's feelings. He also mentioned he lives in the Valley and he has an interest in making sure the CAC runs well and that everyone is satisfied. He stated he doesn't have impacts from Van Nuys he gets it all out of Burbank under the flight path. Commissioner Aredas said that he shares the CAC's concerns and with regard to real estate it is a big question to the Board itself because for a long period of time the property issues led to problems with some of the tenants when they finally did rent evaluations and said to them that their rent will be adjusted and it was a terrible problem; however, a lot of that has been addressed and it is going to be addressed going forward.

Mr. Miller stated that we need the criteria of what they are looking for from the CAC. He wants clarification in the letter to the President of the Commission or to the head of LAWA and also if they want more or less from us and are they willing to give us more to work with so that we can provide them with more help.

The Chairman stated what we need to think about is proposing a letter or a resolution because he doesn't believe the Chairman has authority to write a letter on behalf of the Council or recommend anything on such a broad topic; we have to have a sense of the Council of what to say or do. What we can do is propose to LAWA to establish an ongoing dialogue for certain regular issues that come

up all the time such as noise issues and land issues. That is what we need to express to the Board and express our desire to be involved.

Mr. Jim Bickhart from the Mayor's office stated that the CAC has gotten into an interesting territory that he thinks is moving into good direction but he wanted to encourage the CAC with regard to communicating with LAWA and BOAC to do it with both. He also stated that President Rothenberg, Gina Marie Lindsey, Mike Molina should always be copied. He would encourage the CAC not to ask of them what they want from you but to tell them what you think they ought to want from you. He has been having murky real estate discussions; he started talking to them about trying to firm up the committees role and the CAC role relative to LAWA and along of the same lines of the concerns that the CAC has been expressing about getting information early enough, not being afforded an opportunity to have input in an early enough point in the process that would guarantee it to be meaningful and whether the advise is taken or not at least that is factored into the thinking that leads to their recommendations, their conclusions. Mr. Jim Bickhart stated that he has taken this to Gina Marie Lindsey, Mike Molina and to Steve Martin the Chief Operating Officer and it is a work in progress. The discussion they had with Commissioner Aredas and the CAC adhoc committee on real estate before the last CAC meeting was also a good start and it was a preview of what would hopefully be a meaningful meeting with Debbie Bowers and her Staff about the policy. Mr. Jim Bickhart stated that the CAC shouldn't depend on the Mayor's office to force those dialogues to happen; we succeeded doing that in regards to the Golf Course RFP and he thinks actually the CAC's concerns were heard loud and clear and when they sent the request to BOAC to postpone consideration and to continue negotiations they actually followed through on your request and that's a good start but it required extraordinary changes to get to that point which he believes should become more routine. Mr. Jim Bickhart stated tonight comment from Ms. Birk regarding the Propeller Park environmental process is a small step in the right direction; she has given the CAC essentially a month notice that a process is going to start and it essentially an invitation to the CAC to participate in it but we need to see that on a more regular bases and in a more formal way.

Mr. Williams asked Mr. Jim Bickhart if he can talk about the feedback aspect.

Mr. Jim Bickhart stated that he doesn't represent LAWA so he is hard pressed to comment on that.

Mr. Silver asked Mr. Jim Bickhart if he could comment on the Mayor's standpoint regarding the Burbank Curfew.

Mr. Jim Bickhart stated he will but he wanted to finish his comments on this particular matter. He stated that he agrees it would be great if the Airport Commission Staff would report faster to the CAC on the actions they have taken on the items the CAC has communicated to them and he hope that is not too complicated to arrange and the CAC can get a more regular feedback. He agrees with what Commissioner Aredas said that the Board notes when they receive communications from the CAC. At a BOAC meeting when there is a Van Nuys related item President Rothenberg will say we received a communication from the Advisory Committee and this is what they requested; so that does end up on the record and in some cases they do act on the CAC's recommendation. Mr. Jim Bickhart stated that it is a work in progress and they all need to keep working on it but he can say that the Mayor's office is supportive of the idea of making sure that this committee has a meaningful role in the process.

Mr. Miller stated that once a year when we have a dinner at LAX we have a counterpart that is in the LAX area and he doesn't have any direct contact with any of the people on the LAX CAC. He would like to know if they are having similar feelings and if so is it possible to communicate our concerns as one.

The Chairman stated he would connect his counterpart on the LAX CAC. We can raise those questions and ask for feedback by the next meeting.

Mr. Silver stated the letter that went out on July 7<sup>th</sup> to President Rothenberg with respect to the Part 161 Study should have been directed to the FAA because they are in that decision making process. He wants to know if we should send things beyond LAWA's purview but also address the FAA.

The Chairman said speaking as the Council's Chairman he disagrees. We speak to a larger community and not just VNY but it seems to be in regard with that kind of communication we have an obligation to first think about what our own constituent groups are going to be saying.

Mr. Silver noted that we had multiple discussions on this curfew and the subcommittee address it so it seems to him since the statement is a recommendation to BOAC and other appropriate agencies than why do we speak about the issues that have anything to do with the FAA.

The Chairman stated he doesn't want to get into a debate regarding that matter but he appreciates Mr. Silver's point.

Mr. Mouzis from the public said that the Council needs to go back to the history of the CAC and see how it was formed and who decided that the members would be members of it and what was the purpose. What is the purpose of the Mayor's office to have representatives on this Council and what is the purpose of the Councilmen appointing members to this Council. He believes that the CAC needs to go back to the rules and go back to the public. He also mentioned that the CAC needs to go to press and make themselves known to the FAA; things like that could be very affective.

Mr. Bob Rodine from the public stated he would like to address Mr. Silver's observation about the environment being mentioned in the Bylaws. He stated the purpose of the Council stated specifically it shall review issues affecting the operation and development at VNY. One of the things that good Bylaws do is make them as broad as they can so it is to avoid the limitations that can be the result of some very narrow language and he believes the assertion of language concerning the environment would diminish the breath of the purpose of this Council and would hamper the effectiveness of the Council. Mr. Rodine also mentioned a statement that Mr. Mouzis said regarding the purpose of this Council to serve the public and the community. You will notice on this Council there are 18 seats and two of them are occupied by people who have business interests on this airport and one of those persons really doesn't have the same interest that he had at the time of his appointment and your frustration in having failed to move LAWA to him is really an incredible irony because he stands before this Council on the regular basis and he is here because he has to look out for constituencies. Mr. Rodine stated he is a resident of Sherman Oaks, he lives a mile away from Mr. Williams and he is a part of the same noise system as Mr. Williams and he is no less a resident of Sherman Oaks and a person represented by Mr. Williams and Mr. Silver than anybody else that comes before this Council. And yet, when he comes before the Council and he speaks to try to bring awareness of business issues he knows the probability of him being able to influence anybody is about zero. When Mr. Mouzis spoke about people with agendas that is all of the Council, the Council has a mind set to deal with the issues from its own individual perspectives and as a consequence the perspective that he is bringing to the Council does not get considered. The Council's frustration in communication with the BOAC and LAWA Staff; he thinks it is perhaps understood no better than anyone but himself because he suffers the same frustration with the CAC all the time. The truth of the matter is he can say that the CAC's frustration is a matter of unrealistic expectations because he thinks BOAC, Gina Marie Lindsey and Steve Martin really understand this business and they understand the absolute necessity of the

viability of this business for the City of LA. He stated that is something that people do not want to hear; have you ever heard public officials of San Fernando Valley say that Van Nuys Airport is the largest, single most important economic engine in the San Fernando Valley? That is the reality of life.

The Chairman stated that is an underestimation of how the public's views are taken; whether they are adopted or acted upon is not an issue.

Mr. Rodine stated that Mr. Flam just hit it right on the head. He brings these views to the Council and he knows for a fact that Mr. Williams doesn't agree with 98% of what he says, but he brings these views to the Council and the Council may appreciate the information but perhaps it is ego on his part but he would like to think that he has the capacity to influence somebody; he has absolutely not capacity to influence anybody on this Council because number one he doesn't vote and number two he has never been successful in persuading the Council to see an argument that concerns the viability of the business community. The truth of the matter is that this is an airport now and forever more as long as the quit claim deed exists and looking at the economic impact not in terms of the way the Martin Study expresses it but in terms of what he characterizes as a "brief case effect"; the CAC will find that the economic impact is vast beyond your wildest imagination perhaps as much as \$30 billion a year but it is not measuring what you see within the fence line it is measuring what comes in the brief cases that come into this airport and the reality is the community is not prepared to accept that. Mr. Rodine noted he was duped into speaking at the Encino Neighborhood Council one night by a colleague from United Chambers and a lady was objecting to nighttime noise at the airport and he explained to this woman that most organ transplants are result of traffic accidents that occur at 6:00 p.m. during the rush hour and people are declared dead at 10:00 p.m. and the call goes out to the Doctor to harvest the organ and to bring it to UCLA; and that usually occurs after hours and it happens that insurance companies will not pay for a Stage 3 aircraft to transport organs, physicians or patients. Insurance companies pay for Stage 2 aircraft and as a consequence we have medical flights coming into this airport after the curfew; they are excused pursuant to the noise ordinance. He explained to the woman that these flights are saving peoples lives and she said "I don't care". Mr. Rodine thinks that expresses a lot of the attitude that we see in the community and he thinks the Council in doing what you do should not be frustrated but recognize that your role is advisory and also recognize that the view points that you are representing are partly by design and the way the Council is seated by the people that appointed you.

Mr. Sullivan stated that he got involved in the Park and Recreation Golf Courses and as a result they finally ended up with a Golf Advisory Committee and one of the things they set up was reporting to the board by submitting a report to the general manager. He noticed that they always sent a letter and not a full report of our recommendations and it seems to him this is one of the important areas the Council has to resolve.

Mr. Merkin said this reminds him of many conversations the neighborhood council had a few years ago. One of the things he has learned from these people is power is what we grab; it is the CAC's responsibility to assert ourselves more in asking how LAWA, BOAC and other related agencies react to us.

Mr. Mouzis stated that power lies in the people. This Council in his opinion can never be effective; it is represented only by special interest. If the CAC wants power they should have people on this Council who represent neighborhood council's and neighborhood committees; Chairman's, Presidents are the ones that represent the people, the views of the people. The CAC talks about the businesses; there is not a reason the community cannot co-exist with the businesses and the only way the CAC could get power is to have proper representatives on this Council.

Mr. Jackson stated he has two letters by John Ferraro when the CAC was formed. Without reading the letters he explained that the Bylaws say what is in those letters. Mr. Jackson stated he will be starting his 25<sup>th</sup> year with the CAC and he remembers September of 1985 like the back of his hand; he remembers the respect the CAC had from Mayor Tom Bradley from John Ferraro and Clifton Moore the former Director of Los Angeles World Airports (LAWA). Mr Jackson was the only aviation person on the CAC and he stated to Mr. Moore that he would like to suggest appointing Mr. Burt Pines the former City Attorney as our first Chairman and he appointed himself as Vice Chair because he was the only aviation person there to support the Chair and Mr. Moore gladly accepted that reform at their first meeting. Mr. Jackson stated that over the years he has been Chairman and Vice Chairman many times and Mayor Tom Bradley's staff would come to the CAC meetings with respect. In the last few years he saw diminish of respect; the City's Council office doesn't give one hoot about what we are doing.

The Chairman stated that there were a lot of great expressions tonight from the public and the Council regarding this matter. He would like some volunteers to assist the CAC in the next phase which is to put together a statement or a proposal of what we expect to come of our relationship with BOAC and LAWA. Mr. Flam stated that as he was listening he had a simplistic almost elementary thought and it was in regards to us sending a letter to the organizations stating what we are looking for but it would be interesting to have as an assignment that each of us wrote our own letter, possibly send an email stating this is what we feel we should be doing and what is necessary to make it happen.

Mr. Frazier stated that he feels the same way and that way we can get a good compromise of what everyone is thinking.

The Chairman asked everyone on the Council to write an email, it doesn't have to be lengthy but he would really appreciate the input.

### **G. Committee reports: H.R. 915: FAA Reauthorization Act of 2009 – Discussion/Action**

Mr. Silver stated he asked this to be on the agenda because it relates to H.R. 915 FAA Reauthorization Act of 2009. Periodically the FAA receives its money from Congress and when the Congress provides money to the FAA they put strings on their funds. This current authorization includes a very important element that he would like to see as a motion and that we support it with a letter going to the FAA. The FAA reauthorization is a provision on operating certain aircraft weighing 75,000 lbs or less not complying the Stage 3 noise levels. After December 31<sup>st</sup>, 2013 a person may not operate a civil subsonic jet aircraft with a maximum weight of 75,000 lbs or less and for which an air certificate has been issued in United States unless the Department of Transportation finds the aircraft complies with the Stage 3 noise level.

Mr. Silver would like to move the CAC supports not the entire organization bill but the aspect that involves the 75,000 lbs or less, Stage 3 aircraft requirement.

Mr. Williams stated in consideration of time he would like to suggest that we write this up as a motion and we put it on our agenda for the next meeting so we can vote and discuss it.

The Chairman stated it is a significant and important resolution and we need more time to discuss it. He stated we will put it on top of our next month agenda and allow everyone the opportunity to be heard.

Mr. Williams stated we need to list the motion accordingly.

Mr. Silver stated that the panel needs to receive a copy of Section 508. If we set the time and effort for this issue and debate it then ultimately a letter would go to the Feds supporting it.

Mr. Jim Bickhart stated the Mayor's Legislative Staff has identified the FAA's reauthorization bill as the likeliest vehicle for pursuing curfew. They do not feel that a stand alone bill would be as an effective way to do it; part of that would possibly come from the legislative process in Washington DC where you can put things in what is called a "Christmas tree bill" and that would be one little ornament in a middle of 400 things and it doesn't become such a focal point. Congress members Sherman and Berman have expressed an interest in helping with that. The FAA reauthorization bill has already passed the House of Representatives; it is now before the U.S. Senate. The key member of the Senate who could influence this is Senator Barbara Boxer who is on the Subcommittee of the committee that would be dealing with the FAA reauthorization bill; she has not shown much interest in talking to anybody about that including the people from San Francisco Airport who want to talk to her about various issues. The key issue that has come to the Mayor's office is increasing the ceiling of the passenger facilities charge that can be charged by an airport on commercial flight tickets and that has been the only issue that the City of LA has been pursuing. So if we were going to add joint curfew at VNY and BUR airports it would have to be added to that agenda and it is clear that LAWA is not excited about that prospect. The question about how we are going to go forward about the curfew certainly needs to be hashed out internally; we are in touch with City of Burbank about it and the Mayor as of today provided an update memo to discuss how the procedure would go forward.

Mr. Silver stated we need clarity because there is a difference between the curfew issue and commenting on the Part 161 Study and is totally apart from the FAA reauthorization bill. Mr. Silver stated that his proposal is very narrow to address and support to the Feds for this ban on the noisy aircraft.

Mr. Jim Bickhart stated that is fine and Mr. Silver should pursue that as he sees fit. If there is going to be discussion of a curfew the Mayor's office and the people from Burbank generally agree that the FAA reauthorization bill is probably going to be the context if it would be pursued; we have to see if it is viable and we need the help of Senator Boxer and we are not sure if we have it yet. It is now moving into a purely political route; and on the basis when and if the CAC make any communications to the Federal Government about Mr. Silver's suggestion then it should be aimed at legislatures. We are talking about people voting on this in Congress, this is not a bureaucratic decision.

The Chairman asked Mr. Bickhart to give the CAC the list of select legislators that we need to address.

Mr. Bickhart stated that Senator Boxer is number one on the list and the local Congressmen in the Valley. This issue will be fine to be discussed in September because the Senate will not be taking this up until after the August recess which starts next week.

Mr. Rodine stated writing letters may be outside the realm of the CAC's jurisdiction; he would like to suggest that the Council ask the City Attorney to give an opinion on whether that will be lobbying or not.

The Chairman said that he welcomes that suggestion and he will certainly approach it and he disagrees respectfully that they are just “writing letters”, we have authorization to express views that relate to the operation of the airport.

Mr. Rodine stated that the Bylaws state that “to whom you are to address your opinions” and in this case he believes the Council is reaching beyond its scope and he thinks the CAC may get in the realm of lobbying.

The Chairman stated that is why we need to decide whether or not we need to look at our Bylaws again. He takes Mr. Rodine opinion seriously and he will consider that.

**5.) PUBLIC COMMENT – NON-AGENDA ITEMS – Discussion**

None

**6.) UNFINISHED BUSINESS**

None

**7) EMERGENCY ITEMS SINCE POSTING OF AGENDA – Discussion**

None

**8) ADVISORY COUNCIL MEMBERS’ COMMENTS - NON-AGENDA ITEMS**

None

**9.) ADJOURNMENT:**

9:34 p.m.