

**VAN NUYS AIRPORT CITIZENS ADVISORY COUNCIL**  
**Tuesday, November 3, 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: Ron Merkin, Wayne Williams, Gerald Silver, Harold Sullivan, Laurence Rabe, Rick Flam, Bob Frazier, Wendy Saunders, Ken Miller, Harold Lee, and Don Schultz.

Members Absent: Bob Jackson, James Wildman, Chris Nassif, Audrey Madrigal, and Dave Sotero.

The Council vacancies as of October 6, 2009 are as follows: one appointment from the Office of Councilmember Alarcon and one appointment from vacant Council District 2.

The minutes from October 6th, 2009 Council meeting were unanimously approved.

### **1.) STAFF REPORTS**

Ms. Birk stated that today she spoke with Mr. Bob Jackson. He is getting better but not well enough to attend the CAC meetings. He hopes to be back in January. Ms. Birk mentioned the VNY/CAC and LAX Advisory Council's appreciation dinner on December 10<sup>th</sup>. She stated the dinner will be at Fire Station 114 at the airport and the invitations will be sent in the next few weeks.

### **2.) REPORT FROM THE CHAIR**

The Chairman stated that before tonight's CAC meeting he attended a meeting with LAWA staff regarding real estate issues. The LAWA Staff included Commissioner Aredas, Ms. Debbie Bowers, Ron Domash, Mike Molina, general Council Kelly Martin and Chief Operating Council Mr. Steve Martin. The Chairman stated the meeting was about how the Council can provide better service to our community working with LAWA. They touched base on variety of issues such as land use and real estate questions. Some of the LAWA staff was not comfortable that the CAC may become involved in the lease negotiations and the Chairman tried to make it clear to them that is not what the CAC's function is. The CAC's function is to serve the community and present questions and concerns about land use and other issues and present the community with intelligent answers. The Chairman asked if the Board of Airport Commissioners (BOAC) is going to approve the leasing policy for real estate. Tonight Mr. Martin stated that it has been an ongoing process and the final report has been submitted. LAWA is going to make an effort while the CAC appoints a subcommittee that will convey issues and concerns regarding that policy. The LAWA staff made it clear that their view of the work starts with the Master Plan and they believe they are obligated to live by the terms of the Master Plan and the leasing policy needs to be consistent with the Master Plan and it has to facilitate the goals of the Master Plan. The Chairman stated that a question arose of what is the function of the CAC, the question was not answered and there was some indication that they believe the CAC was created to deal with noise issues and should leave the real estate issues alone. The Chairman noted they did not agree on that issue and it is something they will continue to deal with and work on with management. The Chairman stated it was a great meeting and it ended with respect and appreciation on both sides.

Mr. Miller stated it was a surprise to him that LAWA staff acknowledges the CAC's discussions and they do hear our voice; however, whether they consider the CAC to be a resource that he believes should still be considered and is still not answered.

There was a brief discussion between Mr. Frazier and the Chairman regarding this issue.

The Chairman went to unfinished business item: Election of the new Chair and Vice Chair for the VNYCAC– Discussion/Action

The Chairman decided that if elected, he will serve as Chair along with Mr. Schultz as Vice Chair for another term. The CAC agreed unanimously.

**3.) BOAC AGENDA ITEMS CONCERNING VNY**  
**None**

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

Mr. Bill Mouzis asked if any member of the CAC has contacted Councilman Tony Cardenas seeking his endorsement on the helicopter routes motion that passed.

The Chairman stated there was a request; however, he doesn't have a report of the outcome yet.

Mr. Mouzis asked if there was a response from the Mayor's office regarding a letter that was sent to him on October 8<sup>th</sup>.

Mr. Bickhart stated the Mayor has received the letter and he is inquiring with appropriate parties to get a clear scope of what the City's authority is in this matter. That includes showing the appropriate people the letter from Mr. Withycombe and also showing the motion that CAC passed last month.

Mr. Mouzis stated that he would like the CAC to consider whether Van Nuys Airport would be better managed if LAWA was not in the picture. The Valley community would be better served by local management. Mr. Mouzis stated the FAA is not considering local impacts and needs to be dealt with effectively; he recommends that the CAC pursue a course of actions by dealing with federal and local elected officials.

Mr. Bob Rodine mentioned the discussion of the deviations from departure noise in the voluntary program in the last month's minutes. He stated there was an element that was omitted. The noise levels that were actually set for the departure limits were done through a process that included some experimentation. The process is an averaging process. The unfortunate part of that averaging process is that it never considered, in the computations of the average, the fact that there are aircraft that will inevitably go out heavier than the average in the study. Mr. Rodine also mentioned the air is thinner during the fall season so it takes more power in order to achieve flight. He also stated that the comments in the last month's minutes were punitive with respect to the voluntary program and they did not consider the issue that the numbers were not set on valid basis.

The Chairman stated at the last meeting there was mention of the aircraft that were involved in exceeding the Db levels. He also stated that we are not attempting to single out individuals; it is primarily to look at data and ask questions. If the same people continually have the same problems with exceeding noise levels then it is appropriate to ask those questions.

Mr. Rodine stated the data doesn't beg a strong proactive course of action and he believes the CAC will find that one of the things that are in common with all of them is that they are flying to New York or London and that is the reason why they go out heavy with fuel and related items. If the CAC is going to proceed they need specific indicators of what the destination of the aircraft is.

The Chairman stated that as a member of the CAC and the community he believes it is very important to look at the guidelines of those operators that seem to have difficulty on a repeated basis and many are under the guidelines of the Fly Friendly Program. He asked Mr. Len Krugler to get the CAC more data for those who were in excess of the Fly Friendly guide line more than 50% of the time or at least in three departures. He wants to find out why some of these people have difficulties following guidelines.

Mr. Len Krugler stated that they have indentified the aircraft listed as “unknowns”. He stated that he will get the data the Chairman requested.

Mr. Rudy Sanders from the public stated that CAC information on LAWA’s website is not good. It needs better links and it needs to have the minutes, bylaws and the biographies of the CAC members.

After a long discussion the Chairman requested that LAWA staff add the biographies, minutes and the bylaws to the CAC website.

Mr. Sanders also stated that he thought that CAC was going to champion the MPG Aviation lease to LAWA and recommend a positive report and now he believes the CAC has eliminated that from their scope.

The Chairman stated that they did recommend a positive report to LAWA. We invited Debbie Bowers who is the head of LAWA’s real estate division to CAC and we wanted to know the basis of their negotiations and also we wanted to know the policy. Ms. Bowers stated that they couldn’t tell the CAC what is going on because there is a new policy that is being submitted to the Board of Airport Commissioners. The CAC wanted to know what is in that policies so they can better understand both sides. The CAC does not have authority to engage ourselves to either assist or frustrate any tenant in their negotiations with LAWA. Our job is to make sure we understand what the policies are.

Mr. Sanders stated that it seems to him the function of the CAC is to be a buffer between the local community and LAWA. The CAC is restricted in their ability to represent the communities interest and if that is the case than the public needs to be at LAWA meetings.

The Chairman stated the CAC does not have the authority to get involved and tell the negotiators what they should be doing; the CAC’s goal is to make sure what is going on is consistent with the policies. The purpose of CAC is to review issues affecting the operation and development of VNY Airport and to provide advice and recommendation to the Board of Airport Commissioners, the Mayor’s office, the City Council and other appropriate entities. The Chairman also stated that the CAC did recommend that Margie Oldenkamp receive a 30 year lease.

There was further discussion regarding this issue between Mr. Miller, Mr. Sullivan, Mr. Silver, Mr. Williams and the Chairman.

## **5.) NEW BUSINESS**

### **A. Part 150 Study – Discussion/Action**

Mr. Scott Tatro, the Environmental Affairs Officer from the Noise Management Section at LAWA stated that the Part 150 document was started in 1989 and it has been a long process. We have not received the official transmittal for this document and official language from the FAA that may direct

us to certain measures that are approved or not approved. There were 35 measures proposed and the BOAC approved the Part 150 Noise Compatibility Study in 2001. The FAA has been studying it all this time and we have been working diligently to get it done and get them everything that they have asked for. The bottom line is there are 15 yes's and 20 no's and some of the yes's were qualified yes's and some of the no's were qualified no's; they partially approved many of the measures as voluntary only. Some of the measures are the same as the measures in the Part 161 Study and we pulled out seven of those measures for the document that was being reviewed. Those measures are going to be requiring Part 161 Study analysis so we took it upon ourselves to study those measures. The 28 out of the 35 measures were in the document in 1992 when it was first submitted and in the early/mid nineties. We have already implemented some of the voluntary measures. The Fly friendly program was started as a result of the Part 150 Study as a voluntary program which is extremely effective and successful. Mr. Tatro stated that he sees the LAWA staff as a representative of communities around the airport; and the issues that they bring forward; we are not just on the pilots side and we are not just on the LAWA side, and not on the FAA side. The existing BOAC have not seen or voted on the Part 150 Study, they only know certain aspects of the Study because they have been briefed on the Part 161 Study. As for as going forward we first have a level of responsibility to go to our Board and brief on the FAA report. The FAA approved a current insulation program based on the contours that we chose to mitigate in the last eight years and we are getting to a place where we are nearing completion. The Part 150 contour as it stands right now potentially increases the size of the program but that does not mean that the FAA will give us money to go forward and mitigate; they have looked at the Part 150 noise exposure maps and they are uncomfortable with them and they were produced and submitted in 2001; the future case is in 2006. They want us to update the noise exposure maps before we can even begin. There is a lot of work for us left to do before we can figure out what this document means and what LAWA is going to be comfortable with moving forward. Helicopters have always been a big issue in VNY so we need to figure out what this document does to helicopters; does it completely stop what LAWA was doing with the other direction because we were at separate meetings as a result of what this group was doing to put forth a motion for LAWA to work with the FAA. Mr. Tatro stated that they took that motion seriously and the conversations are still ongoing; Mr. Withycombe issued a letter and that has direct implications, the Part 150 Study has a response in it which relates to several items and a couple of which directly address certain routes that are used. Every time we try to work out a solution for helicopter or any other flight tracks; it has to be something that is beneficial to all parties. They also discussed the shifting of Bull Creek route to Balboa, the shifting of noise issues and operational issues; however, having Stagg Street as an option is a big safety issue for the FAA. Increasing altitude also brings up operational issues; it can add confusion in the air space. Mr. Tatro stated that they understand what the communities' issue is and they are looking for solutions and continuing to have meaningful dialogues with the Tower. Unfortunately LAWA does not have the authority to implement changes in routing; the FAA directs the air traffic based on safety.

Mr. Schultz asked Mr. Tatro is it safe to assume that the FAA has been consistent with their wording on the first line of this document pending the outcome Part 161.

Mr. Tatro stated there are seven measures taken from Part 150 that we identified in the Part 161 Study. There are other measures that the FAA identified that would be required in Part 161 Study that we did not identify. Some of the measures have partial approval and partial disapproval; if you want to enforce a restriction or an ordinance locally that would be a Part 161 issue; we have to study that as a part of our 161 but there will not be any additional measures added to the Part 161.

Mr. Silver stated that the FAA is always against the residents wants; but they are not the last authority. The Part 150 Study is voluntary and the Part 161 Study is mandatory. The FAA turned

down the Burbank curfew and Congressman Brad Sherman is proposing a legislation to allow Bob Hope and Van Nuys Airport to implement mandatory nighttime curfew from 10:00 p.m. to 7:00 a.m. Mr. Silver stated we need to go to elected officials. Mr. Silver also mentioned that September 6<sup>th</sup>, 1996 the FAA Administrator said that the FAA is authorized to provide airport improvement program funding for airport noise compatibility planning, and for the preparation of the noise exposure maps and the noise compatibility program and for those projects that are approved by the FAA. Mr. Silver stated that the City of LA and the Mayor need to go after these people immediately and say that we did these studies and they may not like the results of the noise exposure map but we should make sure we get reimbursed for the millions of dollars we have spent on sound proofing and all the analysis. Mr. Silver stated that he would like to propose an emergency item when we get to it in respects to the proposed legislation.

Mr. Tatro stated that one of the measures he mentioned is an insulation measure and it is approved with some qualifications. In the last sentence in the document that says: homes that have been completed by the City of Los Angeles prior to the approval of the Part 150 Study cannot be made eligible for Federal Aviation funding. There is no reimbursement for the insulation that we have already done. Several million dollars of mitigating properties around the airport was consciously spent with no assurance of reimbursement. There is also no reimbursement of the analysis that we have done on the Part 161 and Part 150 Studies.

Mr. Merkin asked if the BullCreek Route issue can still be discussed.

Mr. Tatro stated that the BullCreek issue is an extremely long shot because the FAA is concerned with shifting noise. He believes the BullCreek issue is no longer feasible and the FAA has taken it off the table.

There was a lengthy discussion between Mr. Merkin, Mr. Silver, Mr. Frazier, the Chairman and Ms. Birk regarding the number of homes that were sound proofed. Also there was more discussion on the City of Los Angeles to pursue a legal legislative avenue to recommend the City seek reimbursement and also to pursue efforts to implement noise measures in the Part 150 Study by Mr. Silver and Mr. Williams.

Mr. Schultz asked that we write a motion splitting up two issues into two separate actions.

Mr. Silver stated this motion:

Resolved that the Van Nuys Citizens Advisory Council ("VNY CAC") hereby recommends that the City of Los Angeles aggressively pursue all available legal and legislative avenues that may be available to compel the FAA to reimburse the city for all Part 150 expenses incurred by the city of Los Angeles in conjunction with its Part 150 application.

Resolved further, that the VNY CAC hereby recommends that the City of Los Angeles aggressively pursue all available legal and legislative avenues that may be available to secure approval of all Part 150 items not approved by the FAA Record of Approval 14 CFR Part 150 Noise Compatibility Program for Van Nuys Airport dated October 15, 2009.

This motion passed unanimously. The second action in this motion also passed with two abstentions. The motion will be sent to the Honorable Mayor Antonio Villaraigosa, The City Council, Board of Airport Commissioners and the City Attorney.

## **B. VNY Airport Management and local control – Discussion/Action**

Mr. John Michael Lee from the public stated that the CAC is the only outlet that the community has to speak about the lease negotiations issues. The decisions that LAWA makes pertaining to leasing and funding are going to impact who stays at the airport. When you talk about leasing, the tenants from the prop area of the airport are different and are set up in a different rental structure. Subtenants at MPG Aviation cannot afford to pay \$100,000 for a piece of land; we are retired or working people who planes are a big part of life. Pure dollar value of a land is not the only thing that LAWA should consider; they should consider what that business provides to the community.

Mr. Miller stated that the CAC is aware of the fact that they are not going to be the ones that negotiate leases and they do need to understand the policy and by communicating the public's input they will help shape those policies. This airport needs to serve the broad community of general aviation and not just one segment of it and the CAC needs to take the perception of our role and have a channel of communication.

The Chairman stated that he had a conversation with Mr. Rodine on whether the landing fees are appropriately charged and perhaps it is a system that is based on personal use; non commercial use by aviation enthusiast versus commercial use. There could be a distinction made in landing fees by being charged for one group and not for the other.

Mr. Miller stated that Alternative J said that we need additional space other than the prop park to accommodate the Master Plan.

Ms. Birk stated the Master Plan identified about 36 acres for propeller aircraft.

Ms. Birk stated that general aviation encompasses everything other than scheduled flights so it is privately owned, corporately owned, government or military.

Mr. Williams stated in the context of general aviation; it seems to him it is a discriminatory environment if we force the propellers out for financial reasons. He believes that LAWA and the Mayor need to take a very serious look at this premise because if they do move out because of money situations then LAWA is in fact eliminating VNY as a general aviation facility.

Ms. Cindy Goodfellow from the public stated that a major reason the airport allegedly operates in a deficit is due to the staffing level of the airport and the excessive overhead applied to VNY from LAWA (LAX). Admittedly for years the VNY FlyAway was charged to VNY budget and this expense should have been born by LAX exclusively. Other comparable airports, most who operate separately, use considerably fewer employees and therefore operate for less – the end result being that airport rates and fees are more in line with actual costs of the specific airport and not excessively burdensome on the patrons. The lower the operating expenses, the less cost is passed down to tenants and operators. And in turn, this encourages patrons and businesses to stay or return to the airport. The more expensive the airport; the more tenants, operators and aircraft owners have left and have sought out other nearby airport options. LAWA's desire to make-up an alleged deficit was a conflict created by the airport in the first place. Business and aircraft owners can no longer support the fees and will eventually be displaced off VNY Airport. Ms. Goodfellow stated that before one argues that the airlines are not responsible for subsidizing VNY, we should all remember that VNY is a reliever airport with the specific intent to remove the general aviation operations from LAX. It is reasonable and consistent with FAA policy that rates and fees at LAX recognize this too. VNY is not required to be completely self-sufficient, only as self-sufficient as possible. Ms. Goodfellow stated that

raising rates equals losing business, it is that simple. She noted that Aerolease has approximately 60 t-hangars and we have more vacancies now that we have had in the last 15 years. There are no prospects in sight and each week we are getting more notices, tenants are leaving to go out of state or selling their aircraft.

Ms. Goodfellow stated that what should be a concern is a 30 acre prop park designed for light general aviation being developed and endorsed in an economy that is crumbling, not booming. How can any developer be expected to build brand new facilities, operate and rent them at competitive market rates today when there are so many vacancies now at VNY and all the while LAWA desires to increase the cost to operate on the airport? The emotion of wanting this and the logic of feasibility; it's about demand not marketing. We were preleased before our building went up also.

### **C. Freezing of 2010 lease rates/rents at VNY – Discussion/Action**

Ms. Goodfellow stated that all of the VNY master leases required an adjustment to fair market value and most consider the economic condition and the actual reduction in VNY operations, fuel flowage and the increased inventory or vacancies of facilities strongly suggests the fair market value adjustment would produce a reduction in land rent and values and not an increase. LAWA's desire to compare VNY to other airports around the country is not an apple to apple's comparison. If this approach is to be used then all of the factors should be considered; competitive airports, number of FBO's, staff levels...etc. Ms. Goodfellow noted that LAWA should consider reducing rates for at least five years since it will take that long for any recovery to the industry; the tenants at the airport should not have to spend hundreds of thousands of dollars in appraisals to get to the same conclusion.

Mr. Donald Eisenberg from the public stated that fees may or may not generate revenue at the airport; the operators may not come to VNY and instead go to Camarillo or Burbank, it depends on the fees. He stated that there are a lot of vacant areas at VNY that do not generate any revenue so those of us who do generate revenue are suppose to cover the costs of vacant land; that is absurd. He stated that he received an email from Margie Oldenkamp, president of MPG Aviation; the email stated that LAWA is actuating her rent with the prop park and there is an entire different relationship between these two. It is like comparing a duplex and a fourplex at a same value; it does not make sense.

There was further discussion regarding this matter between the Chairman, Mr. Miller, Ms. Birk, Mr. Eisenberg and Mr. Frazier.

The Chairman motioned to extend the meeting by ten minutes. The motion passed unanimously.

The Chairman deferred to public comment.

Mr. Ori Fogel from the public stated that all these people here that came to CAC are devoted pilots that fly from VNY; this is our second home. He stated he has been a part of MPG Aviation for 25 years. Ms. Oldenkamp spent so much money on doing the asphalt and they all agreed to paint the hangars one color; there is a sign on the taxiway that states no power taxing. He stated that he does not want LAWA to take away their livelihood and their joy for flying from them; it is their biggest privilege at VNY airport.

Mr. Rodine stated that the Council is seeking to have rents frozen at 2005 adjustment levels for year 2010. He would implore the Council to not take that action because by doing so the CAC would deny the operators the opportunity to make that argument in seeking rents that are lower.

## **6.) UNFINISHED BUSINESS**

None

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

Mr. Silver stated that the FAA did not approve Burbank's request for a curfew. In result of that denial, Congressman Brad Sherman is proposing legislation and he thinks the CAC needs to support that. Mr. Silver proposed a motion, it states:

"The VNY CAC recommends that LAWA support the legislation introduced by United States Congressman Brad Sherman that would allow Bob Hope Airport and Van Nuys airport to implement a mandatory night-time curfew between 10 pm to 7 am."

Mr. Miller asked if Congressman Brad Sherman's legislation mandates that both airports get the curfew.

Mr. Silver answered, yes, simultaneously.

Mr. Williams stated that Congressman Schiff and Congressman Berman are both in favor of this proposal.

Mr. Merkin stated that he wants to read the specific legislation.

Mr. Silver stated that Brad Sherman's proposed legislation is to allow Bob Hope and Van Nuys Airports to implement mandatory nighttime curfews from 10 pm to 7 am.

After a brief discussion between the Chairman, Mr. Merkin and Mr. Schultz the motion passed with 10 "yes" votes and one abstention.

## **8) ADVISORY COUNCIL MEMBERS' COMMENTS - NON-AGENDA ITEMS**

None

## **9) ADJOURNMENT:**

9:02 p.m.