

ONTARIO INTERNATIONAL AIRPORT AUTHORITY

COMMISSION AGENDA – SPECIAL MEETING



JULY 31, 2019 AT 11:30 A.M.

Ontario International Airport Administration Offices

1923 E. Avion Street, Room 100, Ontario, CA 91761

ALAN D. WAPNER
President

RONALD O. LOVERIDGE
Vice President

JIM W. BOWMAN
Secretary

CURT HAGMAN
Commissioner

JULIA GOUW
Commissioner

MARK A. THORPE
Chief Executive Officer

LORI D. BALLANCE
General Counsel

JOHN M. SCHUBERT
Treasurer

WELCOME TO THE MEETING OF THE ONTARIO INTERNATIONAL AIRPORT AUTHORITY

- All documents for public review are on file at the Ontario International Airport Administration Offices located at 1923 E. Avion Street, Ontario, CA 91761.
- Anyone wishing to speak during public comment or on an item will be required to fill out a blue slip. Blue slips must be turned in prior to public comment beginning or before an agenda item is taken up. The Secretary/Assistant Secretary will not accept blue slips after that time.
- Comments will be limited to 3 minutes. Speakers will be alerted when they have 1-minute remaining and when their time is up. Speakers are then to return to their seats and no further comments will be permitted.
- In accordance with State Law, remarks during public comment are to be limited to subjects within the Authority's jurisdiction. Remarks on other agenda items will be limited to those items.
- Remarks from those seated or standing in the back of board room will not be permitted. All those wishing to speak, including Commissioners and Staff, need to be recognized by the Authority President before speaking.

ORDER OF BUSINESS

The Authority meeting begins with Closed Session and Closed Session Comment at 11:30 a.m., immediately followed by Public Comment and the Regular Meeting.

(Sign Language Interpreters, Communication Access Real-Time Transcription, Assistive Listening Devices, or other auxiliary aids and/or services may be provided upon request. To ensure availability, you are advised to make your request at least 72 hours prior to the meeting you wish to attend. Due to difficulties in securing Sign Language Interpreters, five or more business days notice is strongly recommended.)

CALL TO ORDER (CLOSED SESSION) - 11:30 A.M.

ROLL CALL

Loveridge, Bowman, Hagman, Gouw, President Wapner

CLOSED SESSION PUBLIC COMMENT

Public Comment: The Closed Session Public Comment portion of the Ontario International Airport Authority meeting is limited to a maximum of 3 minutes for each speaker and comments will be limited to matters appearing on the Closed Session. Additional opportunities for further Public Comment will be given during and at the end of the meeting.

CLOSED SESSION

- GC 54957, PUBLIC EMPLOYEE PERFORMANCE EVALUATION
Title: Chief Executive Officer
- GC 54956.9, CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
One (1) potential Case

REPORT ON CLOSED SESSION

General Legal Counsel

CALL TO ORDER (OPEN SESSION)

ROLL CALL

Loveridge, Bowman, Hagman, Gouw, President Wapner

PLEDGE OF ALLEGIANCE

INVOCATION

Don Rucker, Senior Pastor, Ontario First Church of the Nazarene

PUBLIC COMMENT

Public Comment: The open meeting Public Comment portion of the Commission meeting is limited to a maximum of 3 minutes for each. Additional opportunities for further Public Comment will be given during and at the end of the meeting. Under provisions of the Brown Act, the Commission is prohibited from taking action on oral requests.

AGENDA REVIEW/ANNOUNCEMENTS

The Chief Executive Officer will go over all updated materials and correspondence received after the Agenda was distributed to ensure Commissioners have received them.

1. INFORMATION RELATIVE TO POSSIBLE CONFLICT OF INTEREST

Note: agenda item contractors, subcontractors and agents which may require member abstentions due to conflict of interests and financial interests. Commission Member abstentions shall be stated under this item for recordation on the appropriate item.

CONSENT CALENDAR

All matters listed under CONSENT CALENDAR will be enacted by one motion in the form listed below – there will be no separate discussion on these items prior to the time Commission votes on them, unless a member of the Commission requests a specific item be removed from the Consent Calendar for a separate vote.

Each member of the public wishing to address the Authority on items listed on the Consent Calendar will be given a total of 3 minutes.

2. APPROVAL OF MINUTES

Minutes for the special meeting on June 24, 2019, cancelled meeting on June 25, 2019, special meeting on July 2, 2019, and cancelled meeting on July 23, 2019 of the Ontario International Airport Authority and approving same as on file with the Secretary/Assistant Secretary.

3. BILLS/PAYROLL

Bills June 1, 2019 through June 30, 2019 and Payroll June 1, 2019 through June 30, 2019.

4. AUTHORIZE THE CHIEF EXECUTIVE OFFICER TO NEGOTIATE AND EXECUTE AN EASEMENT BETWEEN THE ONTARIO INTERNATIONAL AIRPORT AUTHORITY AND THE ONTARIO MUNICIPAL UTILITIES COMPANY AS PART OF THE MTS & SWA CARGO RELOCATION PROJECT

That the Ontario International Airport Authority (OIAA) authorize the Chief Executive Officer (CEO) to negotiate and execute an easement between the Ontario International Airport Authority and Ontario Municipal Utilities Company, City of Ontario, as part of the MTS & SWA Cargo Relocation project. The easement is being prepared by an OIAA consultant, Mead & Hunt based on engineering drawings prepared by the project designer, OIAA consultant TY Lin International, as part of the MTS & SWA Cargo Relocation project. The OIAA and its counsel will review and provide comments to Mead & Hunt as part of standard procedures for an OIAA project, therefore, there will not be any fiscal impact.

5. APPROVAL OF THE SECOND CONTRACT AMENDMENT TO HELIX ENVIRONMENTAL PLANNING, INC., FOR PREPARATION OF ENVIRONMENTAL DOCUMENTATION FOR ONTARIO INTERNATIONAL AIRPORT

That the Ontario International Airport Authority (OIAA) authorize the Chief Executive Officer (CEO) to amend the existing Helix Environmental Planning, Inc., Contract No. SCONT-000045, to include the proposed term of contract as three-years with two, one-year extensions, for an authority amount of \$174,029 over the first and second contract year; \$150,000 for the third contract year; and, authorize the CEO to exercise the two, one-year extensions at \$150,000 annually, for an overall contract amount not to exceed \$624,029 over the five-year term of contract.

6. A RESOLUTION ADOPTING A 415(M) PLAN AND DESIGNATION OF ELIGIBLE EMPLOYEE

That the Ontario International Airport Authority (OIAA) adopt the Ontario International Airport Authority Excess Benefit Plan.

RESOLUTION NO. _____

A RESOLUTION OF THE ONTARIO INTERNATIONAL AIRPORT AUTHORITY
COMMISSION ADOPTING THE ONTARIO INTERNATIONAL AIRPORT
AUTHORITY EXCESS BENEFIT PLAN

7. AUTHORIZE APPROVAL TO RENEW THE MICROSOFT ENTERPRISE AGREEMENT FOR OFFICE 365

That the Ontario International Airport Authority authorize the renewal of the Microsoft Enterprise Agreement for a term of three years with Software One. The total cost for the three-year agreement is \$182,350.00 billed in 3 yearly installments of \$60,783.88. The cost includes Office 365 and Software Assurance for all Ontario International Airport Authority Enterprise Microsoft Products.

8. AUTHORIZE THE CHIEF EXECUTIVE OFFICER TO NEGOTIATE AND EXECUTE A LEASE AGREEMENT BETWEEN THE ONTARIO INTERNATIONAL AIRPORT AUTHORITY AND MAJESTIC TERMINAL SERVICES (OIAA-19-001)

That the Ontario International Airport Authority (OIAA) authorize the Chief Executive Officer (CEO) to negotiate and execute a Lease Agreement (Lease) between the Ontario International Airport Authority (OIAA) and Majestic Terminal Services (MTS). The anticipated annual revenue from an initial five-year term is expected to be approximately \$1.1 million. This rent will be calculated based on the FY2019 rates, and on and after July 1, 2020, OIAA will have the right to adjust MTS's rent to reflect a fair market value as reasonably determined by OIAA. Thereafter, rent will be adjusted annually to the CPI.

ADMINISTRATIVE DISCUSSION/ACTION/REPORT**9. AUTHORIZE THE CHIEF EXECUTIVE OFFICER TO NEGOTIATE AND EXECUTE A CONTRACT WITH @YOURGATE LLC TO OPERATE AN ON-DEMAND DELIVERY AND SCHEDULED PICKUP SERVICE**

That the Ontario International Airport Authority Board of Commissioners (OIAA) authorize the Chief Executive Officer (CEO) to negotiate and execute a contract with AtYourGate LLC (AtYourGate) to operate an on-demand delivery and scheduled pickup service that delivers food, beverages, retail and passenger services in Passenger Terminals at Ontario International Airport (ONT). Upon execution of this agreement, AtYourGate shall pay the Ontario International Airport Authority a seven percent (7%) Concession Fee of its monthly Gross Receipts and monthly rent of \$1,007 with annual CPI increase for office/storage space rented in the Passenger Terminals to support its operations.

MANAGEMENT REPORT

Chief Executive Officer Thorpe

COMMISSION MATTERS

President Wapner
 Vice President Loveridge
 Secretary Bowman
 Commissioner Hagman
 Commissioner Gouw

ADJOURNMENT



DATE: JULY 31, 2019

CLOSED SESSION REPORT

OIAA// (GC 54956.9)

Page 1 of 1

ROLL CALL: Gouw __, Bowman __, Hagman __, Loveridge __, President Wapner __.

STAFF: CEO __, General Counsel __

- GC 54956.9, CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
One (1) potential Case

No Reportable Action	Continue	Approved
/ /	/ /	/ /

Disposition: _____

- GC 54957, PUBLIC EMPLOYEE PERFORMANCE EVALUATION
Title: Chief Executive Officer

No Reportable Action	Continue	Approved
/ /	/ /	/ /

Disposition: _____

Reported by:

General Legal Counsel / Chief Executive Officer



DATE: JULY 31, 2019
SECTION: MINUTE ACTION
SUBJECT: RELATIVE TO POSSIBLE CONFLICT OF INTEREST

RECOMMENDED ACTION(S): Note: agenda items and contractors/subcontractors, which may require member abstentions due to possible conflicts of interest.

BACKGROUND: In accordance with California Government Code 84308, members of the Ontario International Airport Authority may not participate in any action concerning a contract where they have received a campaign contribution of more than \$250 in the prior twelve (12) months and from an entity or individual if the member knows or has reason to know that the participant has a financial interest, except for the initial award of a competitively bid public works contract. This agenda contains recommendations for action relative to the following contractors:

Item No	Principals & Agents	Subcontractors
Item No. 05	Helix Environmental	<ul style="list-style-type: none">• None
Item No. 07	Microsoft Enterprise	<ul style="list-style-type: none">• None
Item No. 08	Majestic Terminal Services	<ul style="list-style-type: none">• None
Item No. 09	@YOURGATE	<ul style="list-style-type: none">• None

STAFF MEMBER PRESENTING: Board Clerk, Claudia Y. Isbell

Department: Clerk's Office Submitted to OIAA: July 31, 2019

**ONTARIO INTERNATIONAL AIRPORT AUTHORITY
SPECIAL COMMISSION MEETING
MINUTES
JUNE 24, 2019
(Not Official Until Approved)**

A special meeting of the Ontario International Airport Authority was held on Monday, June 24, 2019, at 1923 E. Avion Street, Room 100, Ontario, California.

Notice of said meeting was duly given in the time and manner prescribed by law.

CALL TO ORDER

President Wapner called the Ontario International Airport Authority Commission meeting to order at 9:08 a.m.

ROLL CALL

PRESENT: Commissioners: Julia Gouw, Curt Hagman, Jim W. Bowman, and Alan D. Wapner.

ABSENT: Commissioners: Ronald O. Loveridge (excused).

Also present were: Chief Executive Officer Mark A. Thorpe, General Counsel Lori D. Ballance and Assistant Secretary Claudia Y. Isbell.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Secretary Bowman.

INVOCATION

The Invocation was led by Pastor John Heary, Turning Point International Ministries, Ontario, California.

PUBLIC COMMENT

Thomas Feerick, spoke on his opposition to Item No. 06 being approved.

AGENDA REVIEW/ANNOUNCEMENT

There were no announcements.

1. INFORMATION RELATIVE TO POSSIBLE CONFLICT OF INTEREST

Note: agenda item contractors, subcontractors and agents which may require member abstentions due to conflict of interests and financial interests. Commission Member abstentions shall be stated under this item for recordation on the appropriate item.

There were no conflicts announced

CONSENT CALENDAR

Item Pulled: Item No. 06 was pulled from the consent calendar.

6. AWARD OF CONTRACT TO MAXWELL ASPHALT, INC. AND AUTHORIZE THE CHIEF EXECUTIVE OFFICER TO EXECUTE A CONTRACT FOR THE AIRFIELD PAVEMENT MARKING PROJECT

The Ontario International Airport Authority award a contract for the Airfield Pavement Marking Project (Project) and authorize the Chief Executive Officer (CEO) to execute a contract with Maxwell Asphalt, Inc. in the amount of \$2,816,981.00 for the Airfield Marking Project at Ontario International Airport. The cost to construct this project is accounted for in the OIAA Fiscal Year 2018-2019 budget. Total construction cost, \$2,560,892.00, plus a 10% contingency in the amount of \$256,089.00 for this project is to be paid for with OIAA appropriations in the amount of \$2,560,892.00. Project was included in the previously approved 2018 budget.

MOTION: Moved by Commissioner Hagman, seconded by Commissioner Gouw and carried by a vote of 4-0-1, to approve the consent calendar as presented, with Vice President Loveridge absent.

2. APPROVAL OF MINUTES

Approved minutes for the meetings of the Ontario International Airport Authority regular meeting on May 28, 2019 and approving the same as on file with the Secretary/Assistant Secretary.

3. BILLS/PAYROLL

Approved bills May 1, 2019 through May 31, 2019 and Payroll May 1, 2019 through May 31, 2019.

4. APPROVAL OF MEETING STIPENDS

The Ontario International Airport Authority Commission approved meeting stipends for President Wapner for the month of May.

5. CONTRACT WITH THE UNITED STATES DEPARTMENT OF AGRICULTURE (USDA), ANIMAL AND PLANT HEALTH INSPECTION SERVICE (APHIS), WILDLIFE SERVICES (WS) FOR WILDLIFE HAZARD MANAGEMENT SERVICES AT ONTARIO INTERNATIONAL AIRPORT (ONT)

The Ontario International Airport Authority authorized the Chief Executive Officer to execute a three-year contract and exercise two, one-year extensions, per mutual agreement, upon OIAA's 30-day advance notice; and, for an amount not to exceed \$150,000 annually for the first three years and \$175,000 annually for the two, one-year extensions for an overall amount not to exceed \$800,000 over the five-year term of contract.

7. APPROVE AND AUTHORIZE THE CHIEF EXECUTIVE OFFICER TO EXECUTE AN AGREEMENT WITH NUCKLES OIL COMPANY DBA MERIT OIL COMPANY FOR THE PURCHASE AND DELIVERY OF UNLEADED AND DIESEL FUELS AT VARIOUS LOCATIONS AT ONTARIO INTERNATIONAL AIRPORT

That the Ontario International Airport Authority (OIAA) authorize the Chief Executive Officer (CEO) to enter into an agreement with Nuckles Oil Company dba Merit Oil Company for the purchase and delivery of unleaded and diesel fuels at Ontario International Airport (ONT), under the same terms and conditions as the County of San Bernardino's Contract No. 172948; and, for an amount not to exceed \$200,000 annually and an overall amount not to exceed \$600,000 over the term of the contract beginning July 1, 2019 through June 14, 2022. Funding for this agreement is requested in the FY 2020 Budget. Funding for subsequent years will be requested through the annual budget process.

8. AWARD OF CONTRACT TO OSBORNE BIOLOGICAL CONSULTING AND AUTHORIZE THE CHIEF EXECUTIVE OFFICER TO EXECUTE A CONTRACT FOR FOCUSED BIOLOGICAL SURVEYS

That the Ontario International Airport Authority (OIAA) award a contract for focused biological surveys for the presence or absence of Delhi Sands Fly on portions of the ONT property and authorize the Chief Executive Officer (CEO) to execute a contract with Osborne Biological Consulting in the amount of \$124,384.80 for such surveys. The costs of this work are accounted for in the OIAA Fiscal Year 2019-2020 budget.

ADMINISTRATIVE DISCUSSION/ACTION/REPORT

9. REVIEW AND ADOPTION OF THE ONTARIO INTERNATIONAL AIRPORT AUTHORITY'S FISCAL BUDGET YEAR 2019-2020, APPROVAL OF THE SCHEDULE OF AIRLINE LANDING FEES AND TERMINAL RENTS FOR FISCAL YEAR 2019-2020, AND NON-AERONAUTICAL RATE/FEE ADJUSTMENTS FOR FISCAL YEAR 2019-2020

That the Ontario International Airport Authority Commission adopt a resolution approving and adopting the Budget for Fiscal Year 2019-2020; and the Schedule of Airline Landing Fees and Terminal Rents for Fiscal Year 2019-2020 AND Non-Aeronautical rate/fee adjustments for Fiscal Year 2019-2020.

RESOLUTION NO. 2019-04 A RESOLUTION OF THE ONTARIO INTERNATIONAL AIRPORT AUTHORITY APPROVING THE ANNUAL BUDGET FOR FISCAL YEAR 2019-20

Chief Executive Officer Thorpe and Chief Financial Officer Schubert gave a brief overview of the budget and answered questions for Commissioners.

Commissioners reached a consensus to remove the folder displays from ONT.

MOTION: Moved by Commissioner Hagman, seconded by Secretary Bowman and carried by a vote of 4-0-1, to adopt the budget for fiscal year 2019-2020, Resolution No. 2019-04, with an amendment to remove the certified folder display services, and with Vice President Loveridge absent.

SPECIAL CEREMONIES

- *Certificate of Recognition – Captain Boulgarides* – a certificate of recognition was presented to Captain Jim Boulgarides for his exceptional service provided.

MANAGEMENT REPORT

Chief Executive Officer Thorpe did not have additional comments.

COMMISSIONER MATTERS

Commissioner Gouw had no comments.

Commissioner Hagman suggested a review of the OIAA bylaws.

Secretary Bowman had no comments.

President Wapner had no comments.

ADJOURNMENT

President Wapner adjourned the Ontario International Airport Authority Commission meeting at 10:29 a.m.

RESPECTFULLY SUBMITTED:

CLAUDIA Y. ISBELL, CLERK OF THE BOARD

APPROVED:

ALAN D. WAPNER, PRESIDENT
ONTARIO INTERNATIONAL AIRPORT AUTHORITY

ONTARIO INTERNATIONAL AIRPORT AUTHORITY
MINUTES
Tuesday, June 26, 2019
Not Official Until Approved

The Regular Meeting scheduled for Tuesday, June 26, 2019 was cancelled due to a lack of available quorum.

Respectfully submitted:

CLAUDIA Y. ISBELL, CLERK OF THE BOARD

ALAN D. WAPNER, PRESIDENT
ONTARIO INTERNATIONAL AIRPORT AUTHORITY

**ONTARIO INTERNATIONAL AIRPORT AUTHORITY
SPECIAL COMMISSION MEETING
MINUTES
JULY 2, 2019
(Not Official Until Approved)**

A special meeting of the Ontario International Airport Authority was held on Tuesday, July 2, 2019, at 1923 E. Avion Street, Room 100, Ontario, California.

Notice of said meeting was duly given in the time and manner prescribed by law.

CALL TO ORDER

President Wapner called the Ontario International Airport Authority Commission meeting to order at 3:34 p.m.

ROLL CALL

PRESENT: Commissioners: Julia Gouw, Curt Hagman, Jim W. Bowman, and Alan D. Wapner.

ABSENT: Commissioners: Ronald O. Loveridge (excused).

Also present were: Chief Executive Officer Mark A. Thorpe, Assistant General Counsel Stephen Sunseri and Assistant Secretary Claudia Y. Isbell.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Chief Executive Officer Thorpe.

PUBLIC COMMENT

Steve Halstead, spoke on noise issues.

Thomas Feerick, spoke on his opposition to Item No. 02 being approved.

AGENDA REVIEW/ANNOUNCEMENT

There were no announcements.

1. INFORMATION RELATIVE TO POSSIBLE CONFLICT OF INTEREST

Note: agenda item contractors, subcontractors and agents which may require member abstentions due to conflict of interests and financial interests. Commission Member abstentions shall be stated under this item for recordation on the appropriate item.

There were no conflicts announced

CONSENT CALENDAR

Item Pulled for Discussion: President Wapner pulled Item No. 02 from the Consent Calendar for discussion.

2. AWARD OF CONTRACT TO MAXWELL ASPHALT, INC. AND AUTHORIZE THE CHIEF EXECUTIVE OFFICER TO EXECUTE A CONTRACT FOR THE AIRFIELD PAVEMENT MARKING PROJECT

That the Ontario International Airport Authority (OIAA) award a contract for the Airfield Pavement Marking Project (Project) and authorize the Chief Executive Officer (CEO) to execute a contract with Maxwell Asphalt, Inc. in the amount of \$2,816,981.00 for the Airfield Marking Project at Ontario International Airport. The cost to construct this project is accounted for in the OIAA Fiscal Year 2018-2019 budget. Total construction cost, \$2,560,892.00, plus a 10% contingency in the amount of \$256,089.00 for this project is to be paid for with OIAA appropriations in the amount of \$2,560,892.00. Project was included in the previously approved 2018 budget.

President Wapner wanted to clarification.

Assistant General Counsel Sunseri reported that during the preparation of the last meeting an investigation of the subcontractors was conducted, he noticed a license discrepancy that has since been rectified.

MOTION: Moved by Commissioner Gouw, seconded by Commissioner Hagman and carried by a vote of 4-0-1, to approve the consent calendar as presented, with Vice President Loveridge absent.

MANAGEMENT REPORT

Chief Executive Officer Thorpe did not have additional comments.

COMMISSIONER MATTERS

Commissioner Gouw had no comments.

Commissioner Hagman had no comments.

Secretary Bowman had no comments.

President Wapner had no comments.

ADJOURNMENT

President Wapner adjourned the Ontario International Airport Authority Commission meeting at 03:42 p.m.

RESPECTFULLY SUBMITTED:

CLAUDIA Y. ISBELL, CLERK OF THE BOARD

APPROVED:

ALAN D. WAPNER, PRESIDENT
ONTARIO INTERNATIONAL AIRPORT AUTHORITY

ONTARIO INTERNATIONAL AIRPORT AUTHORITY
MINUTES
Tuesday, July 23, 2019
Not Official Until Approved

The Regular Meeting scheduled for Tuesday, July 23, 2019 was cancelled due to a lack of available quorum.

Respectfully submitted:

CLAUDIA Y. ISBELL, CLERK OF THE BOARD

ALAN D. WAPNER, PRESIDENT
ONTARIO INTERNATIONAL AIRPORT AUTHORITY



DATE: JULY 31, 2019

SECTION: CONSENT CALENDAR

SUBJECT: AUTHORIZE THE CHIEF EXECUTIVE OFFICER TO NEGOTIATE AND EXECUTE AN EASEMENT BETWEEN THE ONTARIO INTERNATIONAL AIRPORT AUTHORITY AND THE ONTARIO MUNICIPAL UTILITIES COMPANY AS PART OF THE MTS & SWA CARGO RELOCATION PROJECT

RELEVANT STRATEGIC OBJECTIVE: Develop Airport Related Business.

RECOMMENDED ACTION(S): That the Ontario International Airport Authority (OIAA) authorize the Chief Executive Officer (CEO) to negotiate and execute an easement between the Ontario International Airport Authority and Ontario Municipal Utilities Company as part of the MTS & SWA Cargo Relocation project.

FISCAL IMPACT SUMMARY: The easement is being prepared by an OIAA consultant, Mead & Hunt based on engineering drawings prepared by the project designer, OIAA consultant TY Lin International, as part of the MTS & SWA Cargo Relocation project. The OIAA and its counsel will review and provide comments to Mead & Hunt as part of standard procedures for an OIAA project, therefore, there will not be any fiscal impact.

BACKGROUND: Ontario Municipal Utilities Company (OMUC) currently has an easement with the OIAA in Hellman Avenue that encompasses an existing 8" to 6" waterline. This existing 8" to 6" waterline will have to be taken out of service after the new 16" waterline is constructed and laterals are connected.

Locating a new 16" waterline in Hellman Avenue requires a new easement. The designer, TY Lin has provided the design drawings for the location of the new 16" waterline in Hellman Avenue and new

STAFF MEMBER PRESENTING: Mark A. Thorpe, Chief Executive Officer

Department: Engineering Department

Submitted to OIAA: JULY 31, 2019

Approved: _____

Continued to: _____

Chief Executive Officer Approval: *Mark A. Thorpe*

Denied: _____

easement documents are currently being prepared by the OIAA's consultant, Mead & Hunt. It is anticipated that the OIAA will receive the new easement documents by early August. However, once the easement is prepared, it will be critical to execute and record the easement as soon as possible thereafter, so that the contractor can obtain the permit and schedule the construction of the new 16" waterline in Hellman Avenue, anticipated to occur at the middle of August, 2019. Construction completion of the MTS & SWA Cargo Relocation project is dependent upon the new 16" waterline being in place by the end of August 2019.

PROCUREMENT: N/A

CEQA COMPLIANCE AND LAND USE APPROVALS: The issuance of an easement to OMUC to provide domestic water to existing facilities are Categorically Exempt (Class 1) from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15301.

STAFFING IMPACT (# OF POSITIONS): N/A

IMPACT ON OPERATIONS: This action will have no impact to operations.

SCHEDULE: It is anticipated that the OIAA consultant, Mead & Hunt, have easement documents for review and signature by mid-August, 2019. The project's contractor, AMG & Associates will construct the new 16" waterline by the end of August, 2019. Construction phasing for the MTS & SWA Cargo Relocation project is dependent upon the new 16" waterline being in place by the end of August, 2019.

EXHIBITS & ATTACHMENTS: Exhibit drawing showing the new 16" waterline award in Hellman Avenue.

The Agenda Report references the terms and conditions of the recommended actions and request for approval. Any document(s) referred to herein and that are not attached or posted online may be reviewed prior to or following scheduled Commission meetings in the Office of the Clerk of the Commission. Office hours are 8:30 a.m. to 5:00 p.m., Monday through Friday

This Agenda Report has been reviewed by OIAA General Counsel. |



DATE: JULY 31, 2019

SECTION: CONSENT CALENDAR

SUBJECT: APPROVAL OF THE SECOND CONTRACT AMENDMENT TO HELIX ENVIRONMENTAL PLANNING, INC., FOR PREPARATION OF ENVIRONMENTAL DOCUMENTATION FOR ONTARIO INTERNATIONAL AIRPORT

RELEVANT STRATEGIC OBJECTIVE: Develop Airport-Related Businesses

RECOMMENDED ACTION(S): That the Ontario International Airport Authority (OIAA) authorize the Chief Executive Officer (CEO) to amend the existing Helix Environmental Planning, Inc., Contract No. SCONT-000045, to include the proposed term of contract as three-years with two, one-year extensions, for an authority amount of \$174,029 over the first and second contract year; \$150,000 for the third contract year; and, authorize the CEO to exercise the two, one-year extensions at \$150,000 annually, for an overall contract amount not to exceed \$624,029 over the five-year term of contract.

FISCAL IMPACT SUMMARY: Funds for this contract are approved in the FY 2019-2020 OIAA operating budget. Funding for subsequent years will be requested as part of the annual budget process.

BACKGROUND: The Authority posted a Request for Proposal (RFP) in June 2017 and received five responses for environmental analysis and documentation at Ontario International Airport. On August 22, 2017, the Commission approved the award of contract to Helix Environmental Planning, Inc., to prepare environmental documentation consistent with the National Environmental Policy Act (NEPA) and California Environmental Quality Act (CEQA) as per the contract's Exhibit A. The initial award included the estimated amount of \$124,482 for the Northwest Quadrant facility demolition. On March 23, 2018, the Commission approved the first contract amendment with Helix for environmental preparation for additional scope of work, in the amount of \$49,547 for related

STAFF MEMBER PRESENTING: Chief Executive Officer, Mark A. Thorpe

Department: Engineering Submitted to OIAA: July 31, 2019
Approved: _____
Continued to: _____
Chief Executive Officer Approval: *Mark A. Thorpe* Denied: _____

work associated with developmental projects such as the Guardian expansion and the FIS International Arrivals facility. This action clarifies the intended term of contract on an “as needed” basis for three-years with two, one-year extensions, and authorizes an annual authority amount of \$150,000 for the third contract year and \$150,000 for each of the two, one-year extension periods, for an overall amount not to exceed \$624,029 over the five-year term of contract. In accordance with the Contract’s Exhibit A, upon the OIAA’s request, Helix shall provide additional services by developing a work plan detailing specific tasks to be completed and providing a detailed not-to-exceed budget for performing such tasks. Authorization for additional work shall be authorized by the OIAA through the issuance of a Notice-to-Proceed.

Amending the existing contract with Helix will not only provide the essential services that allows the OIAA to conform with the NEPA and CEQA requirements, it will provide the projected annual authority for staff to expedite the related documentation, as needed, to efficiently facilitate decision-making related to ONT land development as well as achieve sustainable results.

PROCUREMENT: Not applicable for this action.

CEQA COMPLIANCE AND LAND USE APPROVALS: The proposed staffing services decision is not a “project” under CEQA and does not require environmental review. To the extent the staffing services decision could be deemed a “project” for purposes of CEQA, it would be Categorical Exempt (Class 1) from the provisions of CEQA pursuant to (1) CEQA Guidelines section 15309 for project inspection services, (2) CEQA Guidelines section 15301 for the operations, repair, maintenance, permitting, or minor alteration of existing structures or facilities involving negligible or no expansion of use beyond that existing at the time of the lead agency’s determination, and CEQA Guidelines section 15303 for new construction, installation or conversion of a limited number of small structures, facilities or equipment.

STAFFING IMPACT (# OF POSITIONS): The proposed action will not create any permanent OIAA positions.

IMPACT ON OPERATIONS: This action will not impact ONT operations.

SCHEDULE: N/A

ATTACHMENTS: Second Contract Amendment

The Agenda Report references the terms and conditions of the recommended actions and request for approval. Any document(s) referred to herein and that are not attached or posted online may be reviewed prior to or following scheduled Commission meetings in the Office of the Clerk of the Commission. Office hours are 8:30 a.m. to 5:00 p.m., Monday through Friday

This Agenda Report has been reviewed by OIAA General Counsel. |



DATE: JULY 31, 2019

SECTION: CONSENT CALENDAR

SUBJECT: ADOPTION OF 415(M) PLAN AND DESIGNATION OF ELIGIBLE EMPLOYEE

RELEVANT STRATEGIC OBJECTIVE: Attract, Retain, and Incentivize Key Employees

RECOMMENDED ACTION(S): That the Ontario International Airport Authority (OIAA) adopt the Ontario International Airport Authority Excess Benefit Plan.

FISCAL IMPACT SUMMARY: Funds for this are approved in the FY 2019-2020 OIAA budget.

BACKGROUND: The OIAA currently maintains two retirement plans for the benefit of OIAA’s eligible employees, an eligible deferred compensation plan (“457(b) Plan”) and a money purchase pension plan (“401(a) Plan”). Both plans are defined contribution plans. Accordingly, a participant’s benefit under each plan is based solely on the participant’s individual account balance, which comprises contributions to the account as adjusted for investment earnings and losses. The plans qualify for favorable tax treatment—contributions to the plans, and any related investment earnings, are not taxable until distributed to participants. Distributions generally are not permitted until after a participant’s OIAA employment terminates.

Under the tax laws, contributions to a participant’s accounts under the 457(b) Plan and 401(a) Plan for a calendar year cannot exceed applicable limits for the year. For 2019, the limits are as follows:

- For the 457(b) Plan, the lesser of (1) 100% of the participant’s compensation for the year, or (2) \$19,000. (A higher dollar limit applies if the participant qualifies for certain catch-up contributions).

STAFF MEMBER PRESENTING: Chief Executive Officer, Mark A. Thorpe

Department: Administration Submitted to OIAA: July 31, 2019
Approved: _____
Continued to: _____
Chief Executive Officer Approval: Mark A. Thorpe Denied: _____

Item No. 06

- For the 401(a) Plan, the lesser of (1) 100% of the participant’s compensation for the year, or (2) \$56,000.

OIAA may, however, contribute amounts in excess of these limits to a “qualified governmental excess benefit arrangement” within the meaning of section 415(m) of the Internal Revenue Code (“415(m) Plan”). Like 457(b) and 401(a) Plans, a 415(m) Plan is a defined contribution plan. And a 415(m) Plan generally receives the same tax treatment as those plans—that is, amounts contributed to the 415(m) Plan and related earnings are not taxable until distributed from the plan.

However, a 415(m) Plan differs from a 457(b) and 401(a) Plans in two key respects. First, 457(b) and 401(a) assets are held in secure trusts shielded from the claims of OIAA’s creditors; by contrast, 415(m) assets cannot be shielded from creditors’ claims. Consequently, in the unlikely event that OIAA becomes insolvent, any assets reserved by OIAA for the 415(m) Plan would, like any other unsecured OIAA general asset, be subject to the claims of creditors. Second, the tax laws require that the 415(m) Plan specify when distributions will be permitted. (By contrast, generally, 401(a) and 457(b) Plans may allow participants full discretion on when to receive distribution of their accounts after terminating from employment.)

Nevertheless a 415(m) Plan would enable OIAA to make retirement contributions in excess of the existing plans to qualifying individuals. Adopting a 415(m) Plan would be a useful benefit for attracting and retaining qualified individuals. The 415(m) Plan can perform this role, serving as a valuable additional employee retirement savings vehicle, but without requiring the OIAA to assume the funding risks and liabilities associated with pension plans.

Staff therefore recommends that the OIAA adopt a 415(m) Plan.

PROCUREMENT: Not applicable for this action.

CEQA COMPLIANCE AND LAND USE APPROVALS: N/A

STAFFING IMPACT (# OF POSITIONS): N/A

IMPACT ON OPERATIONS: This action will not impact ONT operations.

SCHEDULE: N/A

ATTACHMENTS: Resolution Adopting Ontario International Airport Authority Excess Benefits Plan

The Agenda Report references the terms and conditions of the recommended actions and request for approval. Any document(s) referred to herein and that are not attached or posted online may be reviewed prior to or following scheduled Commission meetings in the Office of the Clerk of the Commission. Office hours are 8:30 a.m. to 5:00 p.m., Monday through Friday

This Agenda Report has been reviewed by OIAA General Counsel. |

RESOLUTION NO. _____

A RESOLUTION OF THE ONTARIO INTERNATIONAL AIRPORT
AUTHORITY COMMISSION ADOPTING THE ONTARIO
INTERNATIONAL AIRPORT AUTHORITY EXCESS BENEFIT PLAN

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE ONTARIO INTERNATIONAL AIRPORT
AUTHORITY:

- Effective August 1, 2019, the Ontario International Airport Authority (“Authority”) hereby adopts the Ontario International Airport Authority Excess Benefit Plan, a qualified “qualified governmental excess benefit arrangement” within the meaning of section 415(m) of the Internal Revenue Code (“415(m) Plan”), substantially in the form attached as Exhibit A with any revisions recommended and approved by legal counsel.
- The Authority’s current Chief Executive Officer (“CEO”), Mark A. Thorpe, is hereby designated as an Eligible Employee under the 415(m) Plan. No other person is eligible to participate in the 415(m) Plan unless designated by the Board of Commissioners.
- The CEO is authorized and directed to (i) take any actions deemed necessary or appropriate to effectuate the intent and purposes of the foregoing resolutions, including but not limited to preparing, executing, and delivering all documents necessary for the implementation of the 415(m) Plan, and (ii) adopt any amendment to the 415(m) Plan that either is necessary to conform the relevant plan’s terms with governing law, or is ministerial in nature and does not increase the Authority’s costs.

PASSED, APPROVED, AND ADOPTED this 31st day of July 2019.

ALAN D. WAPNER, OIAA PRESIDENT

ATTEST:

CLAUDIA Y. ISBELL, CLERK TO THE BOARD/
ASSISTANT SECRETARY

APPROVED AS TO LEGAL FORM:

LORI D. BALANCE
GENERAL COUNSEL

STATE OF CALIFORNIA)
COUNTY OF SAN BERNARDINO)
CITY OF ONTARIO)

I, Claudia Y. Isbell, Commission Clerk of the Ontario International Airport Authority, DO HEREBY CERTIFY that foregoing Resolution No. _____ was duly passed and adopted by the Commission of the Ontario International Airport Authority at their regular meeting held _____, 2019 by the following roll call vote, to wit:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

CLAUDIA Y. ISBELL, CLERK TO THE BOARD/
ASSISTANT SECRETARY

(SEAL)

The foregoing is the original of Resolution No. ____ duly passed and adopted by the Commission of the Ontario International Airport Authority at their regular meeting held _____, 2019.

CLAUDIA Y. ISBELL, CLERK TO THE BOARD/
ASSISTANT SECRETARY

(SEAL)



DATE: JULY 31, 2019

SECTION: CONSENT CALENDAR

SUBJECT: AUTHORIZE APPROVAL TO RENEW THE MICROSOFT ENTERPRISE AGREEMENT FOR OFFICE 365

RELEVANT STRATEGIC OBJECTIVE: Develop Airport-Related Businesses

RECOMMENDED ACTION(S): That the Ontario International Airport Authority authorize the renewal of the Microsoft Enterprise Agreement for a term of three years with Software One.

FISCAL IMPACT SUMMARY: The total cost for the three-year agreement is \$182,350.00 billed in 3 yearly installments of \$60,783.88. The cost includes Office 365 and Software Assurance for all Ontario International Airport Authority Enterprise Microsoft Products.

BACKGROUND: On November 1st, 2016 the Ontario International Airport Authority (OIAA) took back local control of the Ontario Airport from Los Angeles World Airports (LAWA). To support that transition, the OIAA choose to enter into an Enterprise Agreement with Microsoft to license Office 365 to help lower startup costs, increase security, and reduce the use of on-premise hardware.

This initial agreement is about to expire and will need to be renewed to prevent a disruption in service.

PROCUREMENT: The County of Riverside negotiated a contract with Microsoft that allows California Government agencies purchase Enterprise License Agreements for Microsoft Software at an extreme discount. A limited number of vendors are able provide quotes using this contract. The

STAFF MEMBER PRESENTING: Mark A. Thorpe

Department: Information Technology

Submitted to OIAA: July 31, 2019

Approved: _____

Continued to: _____

Chief Executive Officer Approval: Mark A. Thorpe

Denied: _____

OIAA contacted 3 vendors able to quote from the contract for pricing, only CDWG and Software One provided quotes.

<u>Vendor</u>	<u>Location</u>	<u>Quote Amount</u>
CDWG	Glendale, CA	\$183,321.21
SHI	Los Angeles, CA	Failed to Quote
Software One	Costa Mesa, CA	\$182,350.44

OIAA and City of Ontario IT staff reviewed the quotes and determined that the quote submitted by Software One was the lowest responsive quote. As a result, staff recommends the procurement of the Microsoft Enterprise Agreement from Software One.

CEQA COMPLIANCE AND LAND USE APPROVALS: N/A

STAFFING IMPACT (# OF POSITIONS): N/A

IMPACT ON OPERATIONS: The renewal of the Microsoft Enterprise Agreement will maintain current operations and provide the OIAA the latest productivity software from Microsoft as they continue to improve their Office suite of products.

SCHEDULE: N/A

ATTACHMENTS: None

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This Agenda Report has been reviewed by OIAA General Counsel. |



DATE: JULY 31, 2019

SECTION: CONSENT CALENDAR

SUBJECT: AUTHORIZE THE CHIEF EXECUTIVE OFFICER TO NEGOTIATE AND EXECUTE A LEASE AGREEMENT BETWEEN THE ONTARIO INTERNATIONAL AIRPORT AUTHORITY AND MAJESTIC TERMINAL SERVICES (OIAA-19-001).

RELEVANT STRATEGIC OBJECTIVES: Improve Airport Business and Property, and Improve Operational Efficiencies

RECOMMENDED ACTION(S): That the Ontario International Airport Authority (OIAA) authorize the Chief Executive Officer (CEO) to negotiate and execute a Lease Agreement (Lease) between the Ontario International Airport Authority (OIAA) and Majestic Terminal Services (MTS).

FISCAL IMPACT SUMMARY: The anticipated annual revenue from an initial five-year term is expected to be approximately \$1.1 million. This rent will be calculated based on the FY2019 rates, and on and after July 1, 2020, OIAA will have the right to adjust MTS's rent to reflect a fair market value as reasonably determined by OIAA. Thereafter, rent will be adjusted annually to the CPI.

BACKGROUND: In order to enable the development of the Northwest quadrant of the airport for the new Federal Express air terminal and sort facility, the current facilities occupied by MTS need to be demolished. This Lease will enable MTS to continue operating at ONT for the benefit of the flight operations of its high-volume cargo customer(s). If approved, MTS's current facility use agreement will be surrendered, and will be replaced by the new lease. This process will increase operational efficiencies at ONT and consolidate MTS's existing cargo support operations to the new location.

STAFF MEMBER PRESENTING: Mark A. Thorpe, Chief Executive Officer

Department: Lease Management

Submitted to OIAA: July 31, 2019

Approved: _____

Continued to: _____

Chief Executive Officer Approval:

Mark A. Thorpe

Denied: _____

Item No. 08

SUMMARY OF PROPOSED LEASE TERMS:

OIAA staff and MTS representatives have engaged in substantive lease discussions, and the parties developed a proposed lease framework, consisting of the following key points:

Parcels. MTS proposes to occupy approximately 674,003 square feet of ground space at the Airport. These areas consist of varying uses within the airfield cost and terminal cost centers. Generally, MTS proposes to occupy new facilities under construction, ground GSE ramp(s), paved and unpaved lots, three temporary trailers, and other related facilities. Many of these areas were not fully utilized, and a lease with MTS will put them to productive use.

Term. The proposed term of the lease will be five (5) years, which may be extended upon mutual consent afterwards. MTS will have an early termination right on or after second anniversary date following commencement, upon providing OIAA: (1) 180 days prior written notice, and (2) paying a termination payment equal to the sum of six (6) times the then current monthly rent. The OIAA also has a termination right after the second anniversary upon timely written notice.

Rent. OIAA proposes to receive an initial base ground and facility rentals based on the current rental rates established by OIAA for similarly situated tenants at the Airport. Currently, the proposed annual rent for these areas will be approximately \$1.1 million. On and after July 2020, the OIAA may convert the rental to a fair market rate, as would be consistent with similarly situated tenants at the Airport. Thereafter, the OIAA proposes to adjust rent annually thereafter to no less than the CPI. Over the life of the lease, OIAA expects approximately \$5.5 million in rent revenue.

CEQA COMPLIANCE AND LAND USE APPROVALS: The issuance or approval of leases, agreements, renewals, amendments, or extension thereof, granting use of an existing facility at a public airport, involving negligible or no expansion of use is exempt from the requirements of the California Environmental Quality Act (CEQA). In addition, to the extent any alteration of facilities occurs, CEQA Guidelines section 15301 provides an exemption for minor alterations to existing structures or facilities involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination.

IMPACT ON OPERATIONS: Upon the Commencement Date of the Lease, MTS's current occupancy under a Facility Use Agreement of certain airport facilities and land will terminate, and such facilities and land so vacated will be utilized as a component of the FedEx program.

EXHIBITS & ATTACHMENTS: N/A

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This Agenda Report has been reviewed by OIAA General Counsel.



DATE: JULY 31, 2019

SECTION: ADMINISTRATIVE DISCUSSION/REPORT/ACTION

SUBJECT: AUTHORIZE THE CHIEF EXECUTIVE OFFICER TO NEGOTIATE AND EXECUTE A CONTRACT WITH ATYOURGATE LLC TO OPERATE AN ON-DEMAND DELIVERY AND SCHEDULED PICKUP SERVICE

RELEVANT STRATEGIC OBJECTIVE: (1) Provide Customer-Friendly Facilities and Services; and (2) Develop and Grow Non-Airline Revenue Sources

RECOMMENDED ACTION(S): That the Ontario International Airport Authority Board of Commissioners (OIAA Board) authorize the Chief Executive Officer (CEO) to negotiate and execute a contract with AtYourGate LLC (AtYourGate) to operate an on-demand delivery and scheduled pickup service that delivers food, beverages, retail and passenger services in Passenger Terminals at Ontario International Airport (ONT).

FISCAL IMPACT SUMMARY: Upon execution of this agreement, AtYourGate shall pay the Ontario International Airport Authority (OIAA) a seven percent (7%) Concession Fee of its monthly Gross Receipts and monthly rent of \$1,007 with annual CPI increase for office/storage space (as shown in Exhibit B of the agreement) rented in the Passenger Terminals to support its operations.

BACKGROUND: ONT is a medium hub airport serving more than 5 million passengers per year and is a major air-cargo facility in Southern California, with more than 750,000 tons being carried to and from the airport each year. The OIAA believes that offering a mobile application for ordering, pick-up and/or delivery may be a way to enhance the customer experience at ONT while driving increased concession revenue to ONT’s concessionaires and the OIAA.

STAFF MEMBER PRESENTING: Chief Executive Officer, Mark A. Thorpe

Department: Commercial Development

Submitted to OIAA: June 24, 2019

Approved: _____

Continued to: _____

Denied: _____

Chief Executive Officer Approval: _____

Item No. 09

PROCUREMENT: On March 22, 2019, the Request for Qualifications and Expressions of Interest (RFQ/EOI) for Mobile Ordering App for In-Terminal Deliveries at Ontario International Airport was posted on PlanetBids with a due date of April 12, 2019. Four (4) firms were notified via PlanetBids and one (1) firm responded to the RFP. AtYourGate was found to be the most responsive, responsible proposer.

The proposed term of the proposed concession will be three (3) years, terminable upon ninety (90) days' notice, and upon thirty (30) days' notice for the premises location. AtYourGate will charge customers a "convenience fee" per delivery transaction, excluding pick-up or self-service transactions. AtYourGate may also charge existing terminal concessionaires a separate fee related to their offerings, but not during the first year of operations. AtYourGate agrees to provide prompt, courteous service and enhance passenger experiences at the Airport. Therefore, staff recommends the OIAA Board to authorize the CEO to negotiate and execute a contract with AtYourGate.

CEQA COMPLIANCE AND LAND USE APPROVALS: The proposed agreement is not a "project" within the meaning of Section 15378 of the CEQA Guidelines because there is no potential for a direct or indirect physical change in the environment. As a result, the authorization is not subject to CEQA.

STAFFING IMPACT (# OF POSITIONS): N/A

IMPACT ON OPERATIONS: N/A

SCHEDULE: N/A

ATTACHMENTS: N/A

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This Agenda Report has been reviewed by OIAA General Counsel. |