

MINUTES OF THE CITY OF WICHITA

WICHITA AIRPORT ADVISORY BOARD

Monday, March 5, 2012

Present: Dave Bayouth, Charles Fletcher, U.L. Gooch, Dwight Greenlee, Willis Heck, John Hennessy, Bill Ward, Kurt Yowell

Absent: Steve Harris, Thomas Pryor, Dr. Thom Rosenberg, Brent Wooten

Airport Staff: Victor White, Brad Christopher, Kathryn Keathley, Chief Gregory Martens, John Oswald, Captain Fred Person, Valerie Wise, Jean Zoglman

City Staff: Jay Hinkel, Deputy City Attorney
Sharon Dickgrafe, Assistant City Attorney
Branden Hall, Budget Analyst, Finance Department

Others: Pat McCollom, Program Manager, AECOM
Keith Osborn, Federal Security Director, TSA

Chair *pro tempore* Fletcher called the meeting to order at 2:30 p.m.

Approval of Minutes

Motion by Bayouth, second by Heck, to approve the minutes of the February 6, 2012, Wichita Airport Advisory Board meeting. Motion carried unanimously.

Airport Rules and Regulations Update

Brad Christopher, Assistant Director of Airports, reviewed proposed changes to portions of the City of Wichita Code of Ordinances pertaining to the Airport. [The Board was given a copy of the draft ordinances for review prior to the meeting.] The Airport sections of the City Code contain outdated information, referring to defunct regulatory agencies and airfield procedures, while also lacking ordinances relating to current security standards. Mr. Christopher, along with guidance from Deputy City Attorney Sharon Dickgrafe, TSA Federal Security Director Keith Osborn, and Airport Police & Fire Chief Greg Martens, has been working over the past 18 months to update the Code to current practices. During the process, the feedback of Airport tenants and the City Manager was also solicited. Chapters 9.20 and 9.22 of the existing Code will be repealed, and Chapter 9.35 will be created, instituting current Airport regulations. Chapter 9.35 will apply to activities unique to Wichita Mid-Continent and Colonel James Jabara Airports, will ensure compliance with federal regulatory obligations specific to airport owners, will establish penalties for violation of the Code, and in most cases will not duplicate other City or federal governing regulations.

Kurt Yowell asked what additional steps need to be taken to adopt the regulations. Ms. Dickgrafe answered that some of the new sections need to be refined, but if the Board approves the changes, then the approval of the sections will be brought before the City Council. This could be put on a City Council agenda or workshop in 60 days. Chair *pro tem* Fletcher asked what sections still need to be refined. Ms. Dickgrafe answered that the section on commercial activity requires some additional information on what activities are precluded on commercial leaseholds, and the section pertaining to weapons should be reviewed to make sure it does not conflict with state and federal regulations.

John Hennessy asked what the penalties for violation would be. Mr. Christopher answered that, in proposed Section 9.35.860 - "Penalties", the specified penalty is up to 500 dollars. Violations resulting in security breaches or actions that seriously endanger the safety of individuals could result in up to six months of jail. Mr. Hennessy asked how the penalties were determined. Ms. Dickgrafe answered that Mr. Christopher made recommendations on which violations should be considered misdemeanors with jail penalties, such as the weapons regulation, disorderly conduct, false reports, and threats. In general, other violations would result in a fine of up to 500 dollars. Ms. Dickgrafe will consult with Airport Police and Fire to determine if parking violations could be handled with a ticket. The schedule of fines for parking violations would be set by the municipal court judge.

Chair *pro tem* Fletcher said the regulations will bring the Airport up to what TSA and Airport Police and Fire are already enforcing. Ms. Dickgrafe said that is the goal, adding that the regulations have been written so that they do not overstep what is already being done by federal regulations, but it gives the Airport a means to enforce what it will be held accountable for by federal agencies. Chair *pro tem* Fletcher asked Mr. Osborn if there was anything not included in the regulations that TSA would recommend be added. Mr. Osborn said he reviewed the regulations, and did not see anything lacking. He reiterated Ms. Dickgrafe's point that this gives the airport the ability to hold not only individuals accountable, but also the organizations that those individuals work for. Right now, the TSA can only hold an airport accountable for an individual's violation of a federal aviation regulation; it cannot directly penalize the person that committed the violation or the person's employer. Chief Martens said that it provides Airport Police and Fire the ability to write citations for ramp violations, whereas in the past, revoking access privileges was the most that could be done.

Willis Heck asked how an individual employee knows about the changes, as it would be important to make sure everyone is up to date since tenants did not choose to attend the meetings. Mr. Christopher said that the Airport will reach out to the tenants to make sure they receive a copy of the regulations, schedule meetings and information sessions, so that no one is blindsided by the new regulations. Ms. Dickgrafe said this is also a published code that is available in its entirety online on the City's Website. Availability to find this code will be much improved by creating an ordinance, rather than rules and regulations. If someone is coming to Wichita, and would like to know what they could or couldn't do on Airport property, they can look this up on the municipal code Website, or the City Clerk has hard copies of the code, so they could easily access that information.

U.L. Gooch asked how this comes in line with obligations and responsibilities from a tenant who has storage of Aircraft; how they get access to the airfield. Mr. Christopher said it does not change that part of the rules given by the TSA for access to the airfield at a commercial airport. A private airplane owner must be sponsored by the company whose hangar is being used, so that the individual can be issued an identification badge and a vehicle ramp permit, which is a federal law.

Mr. Hennessy asked if the proposed ordinance has any bearing on Col. James Jabara Airport. Mr. Christopher said there is some application to Jabara in cases of airport operations-related incidents. Criminal offenses would still be handled by the Wichita Police Department. Mr. Christopher added that Tom Pryor and Steve Harris submitted comments about the proposed ordinance, which have been addressed through clarifications in the wording of the ordinance sections.

Motion by Yowell to affirm staff in moving ahead with creating Ordinance 9.35, and deleting the ordinances that are in conflict with that to bring us up to current standards and practices. Second by Bayouth. Motion passed unanimously.

ACT 3 Project Update

Pat McCollom, Program Manager, AECOM, began by reviewing work that has been done related to the terminal construction bid request process. There were 16 addendums to the original bid documents prior to the bid opening date, in response to 744 questions and approximately 150 materials substitution requests. The bid opening date was February 24, and ten bids were submitted for the terminal construction project. The ACT 3 Project is now in the bid review stage of the process, following which the construction award recommendation will be submitted to the Federal Aviation Administration (FAA). If the FAA concurs with the recommendation, then the Board will be asked for its approval to move forward. Chair *pro tem* Fletcher asked for further information about how the review is conducted. Mr. McCollom said the base bid from each submission will be reviewed, which is: two line items for allowances, one line item for unsuitable material excavation removal, one line item for the building construction cost, and one line item for the ten gate terminal alternate bid (in lieu of a twelve gate terminal). Also under review are contractual documents such as bond information, Disadvantaged Business Enterprise (DBE) forms, documentation of good faith efforts to satisfy the DBE goal, and Buy American Act certificates.

Chair *pro tem* Fletcher said that all of the bids, except one, were under the engineer's estimate of cost to build the terminal. Dave Bayouth asked if it is required to accept the low bid. Deputy City Attorney Jay Hinkel said the lowest bid submitted by a responsive and responsible bidder must be accepted. Airport Director Victor White said because the submitted bids for the twelve gate terminal design were so competitive and the ten gate alternate bids were only about two million dollars below the twelve gate base bids, the Airport will recommend that the construction project proceed with the originally-planned and desired twelve gate design, and not the ten gate design.

Mr. Hennessy asked if any of the companies that submitted bids had previous experience with airports. Mr. McCollom said that Hunt Construction, who is in a joint venture with the apparent low bidder, Dondlinger, recently completed a terminal in Indianapolis and is working at the Atlanta airport; Walbridge, Archer Western, Paschen, PCL, and Hensel Phelps all also have considerable experience with airports.

Mr. Gooch asked who is involved with determining which bidders are responsible and responsive. Mr. McCollom said the City Purchasing Department, City Law, AECOM, and the Airport are involved in making that evaluation. The evaluation team at the Airport consists of three individuals that have decision making authority in interpreting the documents, and then there is an arbitrator, who is the Airport Director, that makes a final determination upon review of the evaluation team's findings. The arbitrator is not involved with the work of the evaluation team. Bill Ward asked when the FAA would make its review of the bids. Mr. McCollom said the FAA will review the documents after the Airport makes its recommendation. Mr. Gooch asked if there was any advantage given to firms that plan to use local DBE firms. Mr. McCollom said the only evaluation made regarding DBE participation is if the firm is certified by the Kansas Department of Transportation. Mr. White added that, because there are federal grant funds involved in the project, the City is not allowed to give a local preference to any firm. The Airport's federal DBE program stipulates that there can be no local preference or set-asides.

Mr. Christopher spoke to the Board about the status of the parking garage design process, which is currently in the programming phase. The internal stakeholders met two weeks ago, and representatives from the rental car agencies will meet next week to discuss the project. By the first of May, the Airport expects to have gathered the information necessary to make decisions to finalize the design of the parking garage.

Other Business

Dwight Greenlee noted that there was an article in the March 5 issue of the Wichita Eagle regarding the City's review of the ten year capital improvement program (CIP), which included Airport projects, and asked for further information about how that is affecting the Airport. Branden Hall, Budget Analyst with the City, provided explanatory information that the City Council is reviewing the entire CIP in the March 6 City Council meeting. Ms. Zoglman said that the Airport's projects are a section of the City's CIP, but that the action taken by the City Council will not affect the programs currently underway at the Airport, because the purpose is to adopt an updated CIP. The City provided Ms. Zoglman with the Airport budget information that is in the CIP, and it is in agreement with the Airport's plans for use of its funds.

The next WAAB meeting will be Monday, April 2, 2012 at 2:30 p.m.

Meeting adjourned at 3:30 p.m.

Kathryn Keathley, Clerk