

SAN DIEGO COUNTY REGIONAL AIRPORT AUTHORITY



BOARD MEMBERS

LAURIE BERMAN*

BRUCE R. BOLAND

GREG COX

JIM DESMOND

ROBERT H. GLEASON

LLOYD B. HUBBS

JIM PANKININ

PEDRO REYES*

COL. FRANK A. RICHE*

PAUL ROBINSON

TOM SMISEK

ANTHONY K. YOUNG

* EX OFFICIO BOARD MEMBERS

PRESIDENT/CEO

THELLA F. BOWENS

BOARD

AGENDA

Thursday, October 6, 2011
9:00 A.M.

San Diego International Airport
Commuter Terminal – Third Floor
Board Room
3225 N. Harbor Drive
San Diego, California 92101

***Live webcasts of Authority Board meetings can be accessed at
http://www.san.org/airport_authority/boardmeetings.asp.***

This Agenda contains a brief general description of each item to be considered. The indication of a recommended action does not indicate what action (if any) may be taken. If comments are made to the Board without prior notice or are not listed on the Agenda, no specific answers or responses should be expected at this meeting pursuant to State law.

Staff Reports and documentation relating to each item of business on the Agenda are on file in Corporate Services and are available for public inspection.

NOTE: Pursuant to Authority Code Section 2.15, all Lobbyists shall register as an Authority Lobbyist with the Authority Clerk within ten (10) days of qualifying as a lobbyist. A qualifying lobbyist is any individual who receives \$100 or more in any calendar month to lobby any Board Member or employee of the Authority for the purpose of influencing any action of the Authority. To obtain Lobbyist Registration Statement Forms, contact the Corporate Services/Authority Clerk Department.

PLEASE COMPLETE A "REQUEST TO SPEAK" FORM PRIOR TO THE COMMENCEMENT OF THE MEETING AND SUBMIT IT TO THE AUTHORITY CLERK. ***PLEASE REVIEW THE POLICY FOR PUBLIC PARTICIPATION IN BOARD AND BOARD COMMITTEE MEETINGS (PUBLIC COMMENT) LOCATED AT THE END OF THE AGENDA.***

The Authority has identified a local company to provide oral interpreter and translation services for public meetings. If you require oral interpreter or translation services, please telephone the Corporate Services/Authority Clerk Department with your request at (619) 400-2400 at least three (3) working days prior to the meeting.

CALL TO ORDER:

PLEDGE OF ALLEGIANCE:

ROLL CALL:

PRESENTATIONS:

- A. AIREX – AIRPORT EMERGENCY EXERCISE (EDUCATIONAL ITEM):**
Presented by George Condon, Director, Aviation Operations and Public Safety;
and Susie Preiser, Manager, Emergency Preparedness and Public Safety

REPORTS FROM BOARD COMMITTEES, AD HOC COMMITTEES, AND CITIZEN COMMITTEES AND LIAISONS:

STANDING BOARD COMMITTEES

- **AUDIT COMMITTEE:**
Committee Members: Gleason, Hollingworth, Hubbs, Smisek (Chair), Young, Tartre, Van Sambeek
- **EXECUTIVE PERSONNEL AND COMPENSATION COMMITTEE:**
Committee Members: Boland, Cox, Desmond (Chair), Smisek
- **FINANCE COMMITTEE:**
Committee Members: Cox (Chair), Desmond, Panknin, Robinson, Young
- **TERMINAL DEVELOPMENT PROGRAM COMMITTEE:**
Committee Members: Boland (Chair), Gleason, Hubbs, Panknin, Robinson

ADVISORY COMMITTEES

- **AUTHORITY ADVISORY COMMITTEE:**
Liaison: Panknin
- **PUBLIC ART ADVISORY COMMITTEE:**
Committee Member: Gleason

LIAISONS

- **AIRPORT LAND USE COMPATIBILITY PLAN FOR SAN DIEGO INTERNATIONAL AIRPORT:**
Liaison: Robinson

- **CALTRANS:**
Liaison: Berman
- **INTER-GOVERNMENTAL AFFAIRS:**
Liaison: Cox
- **MILITARY AFFAIRS:**
Liaisons: Boland (Primary), Panknin
- **PORT:**
Liaisons: Boland, Gleason (Primary), Smisek

BOARD REPRESENTATIVES (EXTERNAL)

- **SANDAG TRANSPORTATION COMMITTEE:**
Representatives: Panknin, Smisek (Primary)
- **WORLD TRADE CENTER:**
Representatives: Panknin (Primary), Young

CHAIR'S REPORT:

PRESIDENT/CEO'S REPORT:

NON-AGENDA PUBLIC COMMENT:

Non-Agenda Public Comment is reserved for members of the public wishing to address the Board on matters for which another opportunity to speak **is not provided on the Agenda**, and which is within the jurisdiction of the Board. Please submit a completed speaker slip to the Authority Clerk. ***Each individual speaker is limited to three (3) minutes. Applicants, groups and jurisdictions referring items to the Board for action are limited to five (5) minutes.***

Note: Persons wishing to speak on specific items should reserve their comments until the specific item is taken up by the Board.

CONSENT AGENDA (Items 1-15):

The consent agenda contains items that are routine in nature and non-controversial. Some items may be referred by a standing Board Committee or approved as part of the budget process. The matters listed under 'Consent Agenda' may be approved by one motion. Any Board Member may remove an item for separate consideration. Items so removed will be heard before the scheduled New Business Items, unless otherwise directed by the Chair.

1. APPROVAL OF MINUTES:

The Board is requested to approve minutes of prior Board meetings.

RECOMMENDATION: Approve the minutes of the September 1, 2011 regular meeting.

2. ACCEPTANCE OF BOARD AND COMMITTEE MEMBERS WRITTEN REPORTS ON THEIR ATTENDANCE AT APPROVED MEETINGS AND PRE-APPROVAL OF ATTENDANCE AT OTHER MEETINGS NOT COVERED BY THE CURRENT RESOLUTION:

The Board is requested to accept the reports.

RECOMMENDATION: Accept the reports and pre-approve Board member attendance at other meetings, trainings and events not covered by the current resolution.

(Corporate Services: Tony Russell, Director/Authority Clerk)

3. AWARDED CONTRACTS, APPROVED CHANGE ORDERS FROM AUGUST 8, 2011 THROUGH SEPTEMBER 11, 2011 AND REAL PROPERTY AGREEMENTS GRANTED AND ACCEPTED FROM AUGUST 8, 2011 THROUGH SEPTEMBER 11, 2011:

The Board is requested to receive the report.

RECOMMENDATION: Receive the report.

(Procurement: Jana Vargas, Director)

4. OCTOBER 2011 LEGISLATIVE REPORT:

The Board is requested to approve the report.

RECOMMENDATION: Adopt Resolution No. 2011-0117, approving the October 2011 Legislative Report.

(Inter-Governmental Relations: Michael Kulis, Director)

5. APPOINTMENT OF AUTHORITY ADVISORY COMMITTEE MEMBERS:

The Board is requested to make appointments.

RECOMMENDATION: Adopt Resolution No. 2011-0118, approving appointments to the Authority Advisory Committee.

(Executive Office: Matt Harris, Senior Director)

6. APPROVE A LOCAL PREFERENCE FOR PUBLIC ART OPPORTUNITIES:

The Board is requested to approve a local preference.

RECOMMENDATION: Adopt Resolution No. 2011-0129, approving a scoring preference of up to 20% of the total available points awarded as part of the overall scoring matrix used to determine award of public art contracts to local artists who meet the definition of "local business" under Policy 5.13.

(Public, Community & Customer Relations: Constance White, Art Program Manager)

CLAIMS

COMMITTEE RECOMMENDATIONS

7. FISCAL YEAR 2011 – ANNUAL REPORT FROM THE AUDIT COMMITTEE:

The Board is requested to accept the report.

RECOMMENDATION: The Audit Committee recommends that the Board accept the report.

(Audit Committee: Tom Smisek, Chair)

8. FISCAL YEAR 2011 – ANNUAL AUDIT ACTIVITIES REPORT, AND AUDIT RECOMMENDATIONS FROM THE OFFICE OF THE CHIEF AUDITOR:

The Board is requested to accept the report.

RECOMMENDATION: The Audit Committee recommends that the Board accept the report.

(Audit: Mark Burchyett, Chief Auditor)

9. REVISION TO THE FISCAL YEAR 2012 AUDIT PLAN OF THE OFFICE OF THE CHIEF AUDITOR:

The Board is requested to accept the plan.

RECOMMENDATION: The Audit Committee recommends that the Board accept the audit plan.

(Audit: Mark Burchyett, Chief Auditor)

10. AMEND AUTHORITY POLICY 9.20 – CHANGE IN FEDERAL AVIATION ADMINISTRATION (FAA) REPRESENTATIVE STATUS ON AUTHORITY'S AIRPORT NOISE ADVISORY COMMITTEE (ANAC):

The Board is requested to amend the policy.

RECOMMENDATION: Adopt Resolution No. 2011-0119, amending Authority Policy 9.20, SDIA Airport Noise Advisory Committee (ANAC) to reflect a change in Federal Aviation Administration (FAA) representation status from voting member to ex officio and to reflect changes in community planning groups' designations.

(Airport Noise Mitigation: Dan Frazee, Director)

CONTRACTS AND AGREEMENTS

11. APPROVE AND AUTHORIZE THE PRESIDENT/CEO TO EXECUTE A THIRD AMENDMENT TO THE AGREEMENT WITH LUCE, FORWARD, HAMILTON & SCRIPPS, LLP:

The Board is requested to authorize the amendment.

RECOMMENDATION: Adopt Resolution No. 2011-0120, approving and authorizing the President/CEO to execute a Third Amendment to the agreement for professional legal services between the Authority and Luce, Forward, Hamilton & Scripps, LLP; increasing the compensation amount by \$500,000, for a total amount not to exceed \$800,000.

(Legal: Breton Lobner, General Counsel)

CONTRACTS AND AGREEMENTS AND/OR AMENDMENTS TO CONTRACTS AND AGREEMENTS EXCEEDING \$1 MILLION

12. APPROVE AND AUTHORIZE THE PRESIDENT/CEO TO EXECUTE A FOURTEENTH AMENDMENT TO THE AGREEMENT WITH ALSTON & BIRD, LLP:

The Board is requested to authorize the amendment.

RECOMMENDATION: Adopt Resolution No. 2011-0121, approving and authorizing the President/CEO to execute a Fourteenth Amendment to the Agreement for Professional Legal Services between the Authority and Alston & Bird, LLP, extending the term for one year to expire no later than November 21, 2012.

(Legal: Breton Lobner, General Counsel)

13. AWARD A CONTRACT TO G&G SPECIALTY CONTRACTORS, INC., FOR QUIETER HOME PROGRAM PHASE 5, GROUP 11B (68 WEST SIDE NON-HISTORIC CONDOMINIUM UNITS):

The Board is requested to award the contract.

RECOMMENDATION: Adopt Resolution No. 2011-0122, awarding a contract to G&G Specialty Contractors, Inc., in the amount of \$1,917,667 for Phase 5, Group 11B, Project No. 380511B, of the San Diego County Regional Airport Authority's Quieter Home Program.

(Facilities Development: Iraj Ghaemi, Director)

14. AWARD A CONTRACT TO S&L SPECIALTY CONTRACTING, INC., FOR QUIETER HOME PROGRAM PHASE 6, GROUP 2 (24 WEST SIDE AND 3 EAST SIDE, NON-HISTORIC, SINGLE FAMILY HOMES ON 26 RESIDENTIAL PROPERTIES):

The Board is requested to award the contract.

RECOMMENDATION: Adopt Resolution No. 2011-0123, awarding a contract to S&L Specialty Contracting, Inc., in the amount of \$1,066,950, for Phase 6, Group 2, Project No. 380602, of the San Diego County Regional Airport Authority's Quieter Home Program.

(Facilities Development: Iraj Ghaemi, Director)

15. APPROVE AND AUTHORIZE THE PRESIDENT/CEO TO EXECUTE A SECOND AMENDMENT TO THE AGREEMENT WITH OCEAN BLUE ENVIRONMENTAL SERVICES:

The Board is requested to authorize the amendment.

RECOMMENDATION: Adopt Resolution No. 2011-0124, approving and authorizing the President/CEO to execute a Second Amendment to the Agreement between the Authority and Ocean Blue Environmental Services, Inc. for professional services of on-call hazardous waste management and emergency response services, increasing the contract amount by \$200,000 for a total not-to-exceed contract amount of \$3,380,000.

(Environmental: Paul Manasjan, Director)

PUBLIC HEARINGS:

OLD BUSINESS:

16. AWARD AND AUTHORIZE THE PRESIDENT/CEO TO EXECUTE AN AGREEMENT FOR PARKING MANAGEMENT SERVICES AND CONSIDERATION OF THE BEST AND FINAL OFFERS AS DIRECTED BY THE BOARD (CONTINUED FROM THE SEPTEMBER 1, 2011 MEETING):

The Board is requested to authorize the agreement.

RECOMMENDATION: Adopt Resolution No. 2011-0103R, awarding and authorizing the President/CEO to execute an Agreement for Parking Management Services.

(Finance: Vernon Evans, Vice President/Treasurer)

NEW BUSINESS:

17. RENEWAL OF THE EMPLOYEE BENEFIT PROGRAM(S) FOR 2012:

The Board is requested to approve the employee benefit program.

RECOMMENDATION: The Executive Personnel and Compensation Committee recommends that the Board adopt Resolution No. 2011-0125, approving the renewal of the Employee Benefit Program(s) for 2012.

(Human Resources: Jeff Lindeman, Director)

18. AUTHORIZE STAFF TO PROCEED WITH THE ACTIONS NECESSARY TO ADJUST THE CUSTOMER FACILITY CHARGE (CFC) RATE; AUTHORIZE USE OF CFC FUNDS FOR DESIGN OF THE CONSOLIDATED RENTAL CAR CENTER (CONRAC) AND DESIGN AND CONSTRUCTION OF ENABLING PROJECTS IN AN AMOUNT NOT TO EXCEED SIXTY MILLION DOLLARS (\$60,000,000); AND INCREASE THE FY 2012-FY 2016 CAPITAL IMPROVEMENT PROGRAM (CIP) BUDGET BY TWO HUNDRED SIXTY-FOUR MILLION DOLLARS (\$264,000,000) TO INCLUDE THE SAN DIEGO INTERNATIONAL AIRPORT CONRAC DEVELOPMENT.

The Board is requested to authorize the CONRAC development project.

RECOMMENDATIONS:

Adopt Resolution No. 2011-0126, authorizing the use of CFC funds consistent with the eligibility requirements of California Civil Code §1936 for (1) the design of the CONRAC facility, and (2) the design and construction of enabling projects, in a total combined amount not to exceed Sixty Million Dollars (\$60,000,000); and

Adopt Resolution No. 2011-0127, authorizing staff (1) to prepare and submit the required documents to the California State Controller's Office, and (2) to take all necessary steps to seek implementation of an alternative CFC collection rate allowable under California Civil Code §1936 in an amount sufficient to fund the CONRAC program; and

Adopt Resolution No. 2011-0128, authorizing inclusion of the CONRAC in the FY 2012 – FY 2016 CIP and increasing the current CIP budget of three hundred five million, eight hundred eighty-two thousand, three hundred ninety-three dollars (\$305,882,393) by two hundred sixty-four million dollars (\$264,000,000) for a new FY 2012 – FY 2016 CIP total budget of five hundred sixty-nine million, eight hundred eighty-two thousand, three hundred ninety-three dollars (\$569,882,393).

(Finance: Vernon Evans, Vice President/Treasurer)

CLOSED SESSION:

19. CONFERENCE WITH LABOR NEGOTIATOR:

Labor negotiations pursuant to Cal. Gov. Code §54957.6:

Authority Designated Negotiators: Thella F. Bowens, President/CEO; and Jeffrey Woodson, Vice President, Administration

Employee Organization: Teamsters 911

20. CONFERENCE WITH REAL PROPERTY NEGOTIATORS:

Real property negotiations pursuant to Cal. Gov. Code §54954.5(b) and §54956.8:

Property: Salt Plant – 17 acre parcel located at 1470 Bay Boulevard, San Diego

Agency Negotiators: Vernon D. Evans, Vice President, Finance/Treasurer

Negotiating Parties: United States Fish and Wildlife Service, GGTW, LLC (current tenant) and/or other interested parties

Under Negotiation: Sale – terms and conditions

21. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION:

(Government Code §54956.9 (a)):

San Diego Unified Port District v. TDY Industries, Inc., et al., and related cross-actions. U.S. District Court, Southern District Case No. 03 CV 1146-B (POR)

22. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION:

(Cal. Gov. Code §54956.9(a)):

City of San Diego, Historical Resources Board: In re: Western Salt Company Salt Works, Report No. HRB-08-005

23. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION:

(Cal.Gov. Code §54956.9(a)):

West Tech, Inc. v. San Diego County Regional Airport Authority, et al., L.A.S.C 37-2010-00106565-CU-BC-CTL

24. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION:

Initiation of litigation pursuant to subdivision (c) of §54956.9: (1 case)

25. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION:

Significant exposure to litigation pursuant to Cal. Gov. Code §54956.9(b)

[Number of cases: 1] and §54956.9(b)(3)(C) [Liability claim against Authority by Theresa, Warren & Carl Hopkins]

26. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION:

Significant exposure to litigation pursuant to Cal. Gov. Code §54956.9(b):

Kelly Lancaster, David Boenitz, Mary Erickson and Richard Gilb, et al v. SDCERS, San Diego Sup. Court Case No. 37-2011-G0096238-CU-PO-CT

Number of cases: 1

27. CONFERENCE WITH LEGAL COUNSEL: ANTICIPATED LITIGATION:

Initiation of litigation pursuant to subdivision (c) of Section 54956.9: (1 case)

REPORT ON CLOSED SESSION:

NON-AGENDA PUBLIC COMMENT:

Non-Agenda Public Comment is reserved for members of the public wishing to address the Board on matters for which another opportunity to speak **is not provided on the Agenda**, and which is within the jurisdiction of the Board. Please submit a completed speaker slip to the Authority Clerk. ***Each individual speaker is limited to three (3) minutes. Applicants, groups and jurisdictions referring items to the Board for action are limited to five (5) minutes.***

Note: Persons wishing to speak on specific items should reserve their comments until the specific item is taken up by the Board.

GENERAL COUNSEL REPORT:

BUSINESS AND TRAVEL EXPENSE REIMBURSEMENT REPORTS FOR BOARD MEMBERS, PRESIDENT/CEO, CHIEF AUDITOR AND GENERAL COUNSEL WHEN ATTENDING CONFERENCES, MEETINGS, AND TRAINING AT THE EXPENSE OF THE AUTHORITY:

BOARD COMMENT:

ADJOURNMENT:

Policy for Public Participation in Board, Airport Land Use Commission (ALUC), and Committee Meetings (Public Comment)

- 1) Persons wishing to address the Board, ALUC, and Committees shall complete a "Request to Speak" form prior to the initiation of the portion of the agenda containing the item to be addressed (e.g., Public Comment and General Items). Failure to complete a form shall not preclude testimony, if permission to address the Board is granted by the Chair.
- 2) The Public Comment Section at the beginning of the agenda is limited to eighteen (18) minutes and is reserved for persons wishing to address the Board, ALUC, and Committees on any matter for which another opportunity to speak is not provided on the Agenda, and on matters that are within the jurisdiction of the Board. A second Public Comment period is reserved for general public comment later in the meeting for those who could not be heard during the first Public Comment period.
- 3) Persons wishing to speak on specific items listed on the agenda will be afforded an opportunity to speak during the presentation of individual items. Persons wishing to speak on specific items should reserve their comments until the specific item is taken up by the Board, ALUC and Committees. Public comment on specific items is limited to twenty (20) minutes – ten (10) minutes for those in favor and ten (10) minutes for those in opposition of an item. Each individual speaker will be allowed three (3) minutes, and applicants and groups will be allowed five (5) minutes.
- 4) If many persons have indicated a desire to address the Board, ALUC and Committees on the same issue, then the Chair may suggest that these persons consolidate their respective testimonies. Testimony by members of the public on any item shall be limited to **three (3) minutes per individual speaker and five (5) minutes for applicants, groups and referring jurisdictions.**
- 5) Pursuant to Authority Policy 1.33 (8), recognized groups must register with the Authority Clerk prior to the meeting.
- 6) After a public hearing or the public comment portion of the meeting has been closed, no person shall address the Board, ALUC, and Committees without first obtaining permission to do so.

Additional Meeting Information

NOTE: This information is available in alternative formats upon request. To request an Agenda in an alternative format, or to request a sign language or oral interpreter, or an Assistive Listening Device (ALD) for the meeting, please telephone the Authority Clerk's Office at (619) 400-2400 at least three (3) working days prior to the meeting to ensure availability.

For your convenience, the agenda is also available to you on our website at www.san.org.

For those planning to attend the Board meeting, parking is available in the public parking lot located directly in front of the Commuter Terminal. Bring your ticket to the third floor receptionist for validation.

You may also reach the Commuter Terminal by using public transit via the San Diego MTS system, Route 992. For route and fare information, please call the San Diego MTS at (619) 233-3004 or 511.

STATE OF CALIFORNIA)
COUNTY OF SAN DIEGO)
SAN DIEGO COUNTY REGIONAL AIRPORT AUTHORITY)

I, Lisa Wolfson, Assistant Authority Clerk II, San Diego County Regional Airport Authority, hereby certify that at the hour of 1:50 p.m. I caused the posting of this notice on the bulletin board located on the first floor of the San Diego International Airport, Commuter Terminal.

DATE: 30 September 2011

SIGNATURE: _____

