

SAN DIEGO COUNTY REGIONAL AIRPORT AUTHORITY

Board Members

C. April Boling
Chairman

Greg Cox
Jim Desmond
Mark Kersey
Robert T. Lloyd
Paul Robinson
Johanna S. Schiavoni
Michael Schumacher
Mark B. West

DRAFT ACTION MINUTES **BOARD** **AGENDA**

Thursday, October 3, 2019
9:00 A.M.

San Diego International Airport
SDCRAA Administration Building – Third Floor
Board Room
3225 N. Harbor Drive
San Diego, California 92101

Ex-Officio Board Members

Cory Binns
Col. Charles B. Dockery
Gayle Miller

President / CEO

Kimberly J. Becker

Live webcasts of Authority Board meetings can be accessed at
<http://www.san.org/Airport-Authority/Meetings-Agendas/Authority-Board>

CALL TO ORDER: Chairman Boling called the meeting to order at 9:01 a.m.

PLEDGE OF ALLEGIANCE: Board Member Dockery (Ex-Officio) led the Pledge of Allegiance.

ROLL CALL: Board Members Binns (Ex-Officio), Desmond, and Miller (Ex-Officio) were ABSENT.

PRESENTATIONS:

- A. FAR PART 150 NOISE COMPATIBILITY STUDY UPDATE:**
Presented by Sjohnna Knack, Program Manager, Quieter Home Program & Noise Mitigation
- B. REVIEW OF THE UNAUDITED FINANCIAL STATEMENTS FOR THE TWO MONTHS ENDED AUGUST 31, 2019:**
Presented by Kathy Kiefer, Senior Director, Finance, Accounting and Airline Relations
- C. REVIEW OF THE AUTHORITY'S INVESTMENT REPORT AS OF AUGUST 31, 2019:**
Presented by Geoff Bryant, Airport Finance Manager, Business and Financial Management

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

- **AUDIT COMMITTEE:**
Committee Members: Lloyd, Robinson (Chair), Schiavoni, Tartre, Van Sambeek, West

- **CAPITAL IMPROVEMENT PROGRAM OVERSIGHT COMMITTEE:**
Committee Members: Boling, Kersey (Chair), Schumacher, Robinson
- **EXECUTIVE PERSONNEL AND COMPENSATION COMMITTEE:**
Committee Members: Boling, Cox, Desmond (Chair), Kersey
- **FINANCE COMMITTEE:**
Committee Members: Cox (Chair), Lloyd, Schiavoni, West

ADVISORY COMMITTEES

- **AUTHORITY ADVISORY COMMITTEE:**
Liaison: Robinson (Primary), Schiavoni
- **ART ADVISORY COMMITTEE:**
Committee Member: Robert H. Gleason

LIAISONS

- **CALTRANS:**
Liaison: Binns
- **INTER-GOVERNMENTAL AFFAIRS:**
Liaison: Cox
- **MILITARY AFFAIRS:**
Liaison: Dockery
- **PORT:**
Liaisons: Boling (Primary), Cox, Robinson
- **WORLD TRADE CENTER:**
Representatives: Robert H. Gleason

BOARD REPRESENTATIVES (EXTERNAL)

- **SANDAG BOARD OF DIRECTORS:**
Representative: Boling
- **SANDAG TRANSPORTATION COMMITTEE:**
Representatives: Schiavoni (Primary), Schumacher
- **SCAG AVIATION TASK FORCE:**
Representative: Boling

CHAIR’S REPORT:

PRESIDENT/CEO’S REPORT:

NON-AGENDA PUBLIC COMMENT: None.

CONSENT AGENDA (Items 1-9):

[ACTION: 8-0-1 to approve the Consent Agenda, noting Board Member Desmond as ABSENT.]

1. **APPROVAL OF MINUTES:**
RECOMMENDATION: Approve the minutes of the September 5, 2019 regular meetings.
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:**
RECOMMENDATION: Accept the reports and pre-approve Board Member attendance at other meetings, trainings and events not covered by the current resolution.
3. **AWARDED CONTRACTS, APPROVED CHANGE ORDERS FROM AUGUST 12, 2019 THROUGH SEPTEMBER 8, 2019 AND REAL PROPERTY AGREEMENTS GRANTED AND ACCEPTED FROM AUGUST 12, 2019 THROUGH SEPTEMBER 8, 2019:**
RECOMMENDATION: Receive the report.
4. **OCTOBER 2019 LEGISLATIVE REPORT:**
RECOMMENDATION: Adopt Resolution No. 2019-0086, approving the October 2019 Legislative Report.
5. **APPOINTMENT OF AUTHORITY ADVISORY COMMITTEE MEMBERS:**
RECOMMENDATION: Adopt Resolution No. 2019-0087, appointing members to the Authority Advisory Committee.

CLAIMS

6. **REJECT THE CLAIM OF YAHYE HUSSEIN:**
RECOMMENDATION: Adopt Resolution No. 2019-0088, rejecting the claim of Yahye Hussein.
(Legal: Amy Gonzalez, General Counsel)

7. REJECT THE CLAIM OF EMILY WRIEDT:

RECOMMENDATION: Adopt Resolution No. 2019-0089, rejecting the claim of Emily Wriedt.

(Legal: Amy Gonzalez, General Counsel)

COMMITTEE RECOMMENDATIONS

CONTRACTS AND AGREEMENTS

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

8. APPROVE AND AUTHORIZE THE PRESIDENT/CEO TO EXECUTE THE TENTH AMENDMENT TO THE AGREEMENT WITH LEIGH FISHER TO CONTINUE PLANNING AND ENVIRONMENTAL REVIEW FOR THE AIRPORT DEVELOPMENT PLAN:

RECOMMENDATION: Adopt Resolution No. 2019-0090, approving and authorizing the President/CEO to execute the Tenth Amendment to the agreement with Leigh Fisher increasing the compensation amount by \$800,000 for a new total not-to-exceed amount of \$12,448,655 for the Airport Development Plan to support additional master planning and environmental review.

(Planning & Environmental Affairs: Brendan Reed, Director)

9. APPROVE AND AUTHORIZE THE PRESIDENT/CEO TO EXECUTE AN ON-CALL PROFESSIONAL ENVIRONMENTAL ASSESSMENT AND REMEDIATION MANAGEMENT SERVICES AGREEMENT WITH KLEINFELDER, INCORPORATED:

RECOMMENDATION: Adopt Resolution No. 2019-0091, approving and authorizing the President/CEO to execute an On-Call Professional Environmental Assessment and Remediation Management Services Agreement with Kleinfelder, Incorporated, for a term of three years, with the option for two one-year extensions exercisable at the sole discretion of the President/CEO, in an amount not-to-exceed \$3,000,000.

(Planning & Environmental Affairs: Brendan Reed, Director)

PUBLIC HEARINGS: None.

OLD BUSINESS: None.

NEW BUSINESS:

10. AMEND AUTHORITY POLICY 5.12 - PREFERENCE TO SMALL, VETERAN OWNED, AND LOCAL BUSINESS (CONTINUED FROM THE MAY 30, 2019 BOARD MEETING):

RECOMMENDATION: Adopt Resolution No. 2019-0050, amending Policy 5.12 to clarify when preference points are applied and to broaden the definition of Veteran Owned Small Business to include Service Disabled Veteran Owned Small Businesses.

[ACTION: 8-0-1 to approve staff's recommendation, noting Board Member Desmond as ABSENT.]

11. APPROVE AND AUTHORIZE THE PRESIDENT/CEO TO EXECUTE A PURCHASE ORDER FOR THE PROCUREMENT OF INTER-TERMINAL SHUTTLE ELECTRIC VEHICLE TRANSIT BUSES:

RECOMMENDATION: Adopt Resolution No. 2019-0092, approving and authorizing the President/CEO to execute a purchase order for the procurement of four Electric Vehicle Transit Buses to be used on the Inter-Terminal Shuttle Route as approved per CIP 104273.

[ACTION: 8-0-1 to approve staff's recommendation, noting Board Member Desmond as ABSENT.]

The Board recessed at 10:02 a.m. and reconvened at 10:05 a.m.

CLOSED SESSION: The Board recessed into Closed Session at 10:06 a.m. to discuss Items 15 and 16.

12. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION:

(Paragraph (1) of subdivision (d) of Cal. Gov. Code §54956.9)

Name of Case: San Diego County Regional Airport Authority v. American Car Rental, Inc., San Diego Superior Court Case No. 37-2016-00024056-CL-BC-CTL

13. CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION:

(Paragraph (1) of subdivision (d) of Cal. Gov. Code §54956.9)

Name of Case: Future DB International, Inc. v. San Diego County Regional Airport Authority, et al.

San Diego Superior Court Case No. 37-2018-00001531-CU-CR-CTL

14. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION:

(Paragraph (1) of subdivision (d) of Cal. Gov. Code §54956.9)

Name of Case: Park Assist LLC v. San Diego County Regional Airport Authority, et al.

United States District Court Case No. 18 CV2068 LAB MDD

- 15. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION:**
(Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Cal. Gov. Code §54956.9)
Number of cases: 2
- 16. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION:**
(Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Cal. Gov. Code §54956.9)
Investigative Order No. R9-2012-0009 by the California Regional Water Quality Control Board pertaining to an investigation of bay sediments at the Downtown Anchorage Area in San Diego.
Number of potential cases: 1
- 17. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION:**
(Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Cal. Gov. Code §54956.9)
Navy Boat Channel Environmental Remediation
Number of potential cases: 1
- 18. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION:**
(Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Cal. Gov. Code §54956.9)
Number of potential cases: 1
- 19. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION:**
(Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Cal. Gov. Code §54956.9)
Order No. WQ 2019-0005-DWQ by the State Water Resources Control Board pertaining to PFAS
Number of potential cases: 1

REPORT ON CLOSED SESSION: The Board adjourned out of Closed Session at 10:34 a.m. Amy Gonzalez, General Counsel, reported that in regards to Item 15, the Board discussed a claim the Authority has against Zurich and Turner regarding internal costs and expert fees incurred by the Authority to investigate issues with the outfall pipe and drain issues and costs incurred to oversee the repairs performed by Turner, the Board authorized the General Counsel to negotiate and execute a settlement and release of claim with Zurich and Turner for payment to the Authority in the amount of \$1,075,000, which was approved 8-0-1 with Board Members Boling, Cox, Kersey, Lloyd, Robinson, Schiavoni, Schumacher, and West voting YES, noting Board Member Desmond as ABSENT. She also reported that in regards to Item 16, the Board provided direction to the General Counsel.

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: None.

ADJOURNMENT: The meeting adjourned at 10:34 a.m.