

SAN DIEGO COUNTY REGIONAL AIRPORT AUTHORITY



BOARD MEMBERS

LAURIE BERMAN**
BRUCE R. BOLAND
GREG COX
JIM DESMOND
RAMONA FINNILA
ROBERT H. GLEASON
JIM PANKNIN
COL. FRANK A. RICHIE**
PAUL ROBINSON
TOM SMISEK
ANTHONY K. YOUNG

** EX OFFICIO BOARD MEMBERS

PRESIDENT/CEO
THELLA F. BOWENS

DRAFT – Revised 10/21/10

BOARD

AGENDA

Thursday, November 4, 2010
9:00 A.M.

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

*Live web casts 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:

REPORT FROM CITIZEN COMMITTEE:

- **AIRPORT ADVISORY COMMITTEE:**
Bella Heule, Chair, Airport Advisory Committee

PRESENTATION:

A. PRESENTATION TO AUTHORITY CLERK, TONY R. RUSSELL, FOR PROFESSIONAL EXCELLENCE EXHIBITED BY ACHIEVING MASTER MUNICIPAL CLERK CERTIFICATION:

Presented by Jamie Anderson, Town Clerk, Yucca Valley and Second Vice President, City Clerks Association of California

B. AUTHORITY'S FINANCIAL UPDATE:

Presented by Vernon Evans, Vice President, Finance/Treasurer

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

STANDING BOARD COMMITTEES

- **AUDIT COMMITTEE:**
Committee Members: Finnila (Vice Chair), Gleason, Smisek (Chair), Young, Buck, Tartre, Van Sambeek
- **EXECUTIVE PERSONNEL AND COMPENSATION COMMITTEE:**
Committee Members: Boland (Vice Chair), Cox, Desmond (Chair), Smisek
- **FINANCE COMMITTEE:**
Committee Members: Cox (Chair), Finnila, Panknin, Robinson, Young
- **TERMINAL DEVELOPMENT PROGRAM COMMITTEE:**
Committee Members: Boland (Chair), Finnila, Panknin (Vice Chair), Robinson
- **REGIONAL AVIATION STRATEGIC PLAN COMMITTEE:**
Committee Members: Boland (Vice Chair), Desmond, Finnila (Chair), Panknin

ADVISORY COMMITTEES

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

LIAISONS

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

BOARD REPRESENTATIVES (EXTERNAL)

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

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 1-18):

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 2, 2010 regular meeting, the September 17 and 18, 2010 Special Board meetings, and the October 7, 2010 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 attendance at other meetings, trainings and events not covered by the current resolution.

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

3. NOVEMBER 2010 LEGISLATIVE REPORT:

The Board is requested to approve the report.

RECOMMENDATION: Adopt Resolution No. 2010-____, approving the November 2010 Legislative report.

(Inter-Governmental Relations: Michael Kulis, Director)

4. APPOINTMENT OF AUTHORITY ADVISORY COMMITTEE MEMBERS:

The Board is requested to make appointments to the Authority Advisory Committee.

RECOMMENDATION: Adopt Resolution No. 2010-____, making appointments to the Authority Advisory Committee.

(Noise Mitigation: Dan Frazee, Director)

5. RESOLUTION AUTHORIZING THE CONSENT TO ASSIGNMENT OF LEASEHOLD INTEREST FROM LANDMARK AVIATION SAN DIEGO, INC. TO LANDMARK AVIATION SAN DIEGO, LLC:

The Board is requested to authorize the consent of assignment of leasehold interest.

RECOMMENDATION: Adopt Resolution No. 2010-____, authorizing the consent to assignment of the leasehold interest from Landmark Aviation San Diego, Inc., to Landmark Aviation San Diego, LLC.

(Finance: Vernon Evans, Vice President, Finance/Treasurer)

6. APPOINTMENT OF BOARD MEMBER LIAISONS:

The Board is requested to make appointments.

RECOMMENDATION: Adopt Resolution No. 2010-____, appointing board liaisons.

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

7. AMEND AUTHORITY POLICY 1.10 TO INCLUDE TRAVEL AS A DAY OF SERVICE FOR BOARD MEMBERS:

The Board is requested to amend the policy.

RECOMMENDATION: Adopt Resolution No. 2010-____, amending Policy 1.10 to include travel as a day of service for board members.

(Legal: Breton Lobner, General Counsel)

8. DISPOSITION OF SURPLUS PROPERTY:

The Board is requested to authorize the disposition of surplus property.

RECOMMENDATION: Adopt Resolution No. 2010-____, authorizing the disposition of surplus property (materials and or equipment) to the highest bidders and to dispose of unwanted items as scrap. Disposition of surplus property shall be in accordance with Authority contracts with Public Surplus, LLC and Ken Porter Auctions.

(Procurement: Jana Vargas, Director)

CLAIMS

COMMITTEE RECOMMENDATIONS

9. RECEIVE THE UNAUDITED FINANCIAL STATEMENTS FOR THE THREE MONTHS ENDED SEPTEMBER 30, 2010:

The Board is requested to receive the report.

RECOMMENDATION: The Finance Committee recommends that the Board receive the report.

(Finance: Vernon Evans, Vice President/Treasurer)

10. RECEIVE THE AUTHORITY'S INVESTMENT REPORT AS OF SEPTEMBER 30, 2010:

The Board is requested to receive the report.

RECOMMENDATION: The Finance Committee recommends that the Board receive the report.

(Finance: Vernon Evans, Vice President/Treasurer)

11. ACCEPTANCE OF THE PROPOSED 2011 MASTER CALENDAR OF BOARD AND COMMITTEE MEETINGS:

The Board is requested to accept the 2011 Master Calendar.

RECOMMENDATION: The Executive Committee recommends that the Board accept the calendar.

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

CONTRACTS AND AGREEMENTS

12. AWARDED CONTRACTS, APPROVED CHANGE ORDERS FROM SEPTEMBER 13, 2010 THROUGH OCTOBER 10, 2010 AND REAL PROPERTY AGREEMENTS GRANTED AND ACCEPTED FROM SEPTEMBER 13, 2010 THROUGH OCTOBER 10, 2010:

The Board is requested to receive the report.

RECOMMENDATION: Receive the report.

(Procurement: Jana Vargas, Director)

13. AUTHORIZE THE PRESIDENT/CEO TO EXECUTE AMENDMENTS TO EXTEND BY ONE YEAR THE TERM OF THE AGREEMENTS WITH KLEINFELDER WEST, INC., MATEC ENGINEERING AND CONSULTING, INC., AND NINYO & MOORE GEOTECHNICAL & ENVIRONMENTAL SCIENCES CONSULTANTS:

The Board is requested to authorize the President/CEO to extend the contract.

RECOMMENDATION: Adopt Resolution No. 2010-____, authorizing the President/CEO to execute First Amendment to the Agreements with Kleinfelder West, Inc., MACTEC Engineering and Consulting, Inc., and Ninyo & Moore Geotechnical & Environmental Sciences Consultants, extending the term of each of those agreements by 365 days to provide on-call professional material testing, special inspection, and geotechnical services for various airport capital improvement projects.

(Facilities Development: Iraj Ghaemi, Director)

14. CONSENT TO THE ASSIGNMENT OF AGREEMENT WITH ARTIST JIM CAMPBELL TO WHITE LIGHT, INC.

The Board is requested to authorize the assignment of the agreement.

RECOMMENDATION: Adopt Resolution No. 2010-____, consenting to the Assignment of the Agreement for Public Art Work with Jim Campbell to White Light Inc.

(Public, Community and Customer Relations: Diana Lucero, Director)

15. APPROVE THE THIRTEENTH AMENDMENT TO THE LEGAL SERVICES AGREEMENT WITH ALSTON & BIRD LLP:

The Board is requested to authorize an amendment to the agreement.

RECOMMENDATION: Adopt Resolution No. 2010-____, authorizing the Thirteenth Amendment to the Agreement for Professional Legal Services between the Authority and Alston & Bird, LLP, extending the term of the Agreement by one year to expire no later than November 21, 2011.

(Legal: Breton Lobner, General Counsel)

16. AUTHORIZE THE AWARD OF AN AGREEMENT FOR COASTAL COMMISSION ADVOCACY SERVICES TO CULBERTSON & ASSOCIATES:

The Board is requested to authorize the award of the agreement.

RECOMMENDATION: Adopt Resolution No. 2010-____, authorizing the award of an agreement for Coastal Commission Advocacy Services to Culbertson & Associates for a term of three (3) years with a maximum amount payable of \$100,000.

(Legal: Breton Lobner, General Counsel)

17. AWARD BOND AND CONTRACT FINANCING ASSISTANCE PROGRAM SERVICES AGREEMENT TO (TO BE DETERMINED) TO PROVIDE BOND AND CONTRACT FINANCE CONSULTING SERVICES:

The Board is requested to award a contract.

RECOMMENDATION: Adopt Resolution No. 2010-____, authorizing the President/CEO to execute an agreement with [TO BE DETERMINED] to provide Bond and Contract Finance Consulting services for three years with two, one year extension options, in a not-to-exceed amount of [TO BE DETERMINED].

(Administration: Jeffrey Woodson, Vice President)

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

18. AUTHORIZE THE PRESIDENT/CEO TO EXECUTE THE UPDATED PROGRAMMATIC AGREEMENT BETWEEN THE AUTHORITY AND VARIOUS AGENCIES REGARDING IMPLEMENTATION OF HISTORIC TREATMENT GUIDELINES FOR THE QUIETER HOME PROGRAM:

The Board is requested to execute an agreement.

RECOMMENDATION: Adopt Resolution No. 2010-____, authorizing the President/CEO to execute the updated Programmatic Agreement among the Federal Aviation Administration, Advisory Council on Historic Preservation, California State Historic Preservation Officer, San Diego County Regional Airport Authority, and City of San Diego regarding implementation of Historic Treatment Guidelines for the Quieter Home Program for San Diego International Airport, Lindbergh Field.

(Facilities Development: Iraj Ghaemi, Director)

PUBLIC HEARINGS:

OLD BUSINESS:

19. BOARD POLICY DISCUSSION REGARDING POLICIES RELATING TO CONTRACTOR WORKER RETENTION (This item was discussed at the September 2, 2010 Board Meeting):

The Board is requested to provide direction to staff.

RECOMMENDATION: Provide direction to staff.

(Administration: Jeffrey Woodson, Vice President)

NEW BUSINESS:

20. AUTHORIZE THE PRESIDENT/CEO TO EXECUTE CONTRACTS FOR CONSTRUCTION PHASE SERVICES FOR THE TERMINAL DEVELOPMENT PROGRAM/THE GREEN BUILD:

The Board is requested to authorize the President/CEO to execute contracts for the Terminal Development Program.

RECOMMENDATION:

Adopt Resolution No. 2010-____, releasing funds and authorizing the President/CEO to execute additional Work Authorizations in an amount not-to-exceed seventy-nine million, fifteen thousand, thirty-eight dollars (\$79,015,038) for a Board authorized total of four hundred thirty-one million, four hundred sixty-five thousand, thirty-eight dollars (\$431,465,038) under Contract 1 (Terminal 2 West Building and Airside Expansion at San Diego International Airport); and

Adopt Resolution No. 2010-____, releasing funds and authorizing the President/CEO to execute additional Work Authorizations in an amount not-to-exceed one hundred thirty-five million, twenty thousand, five hundred eighty-seven dollars (\$135,020,587) for a Board authorized total of two hundred fifty-one million, five hundred twenty thousand, five hundred eighty-seven dollars (\$251,520,587) under Contract 2 (Terminal 2 Elevated Departure Curb/Transit Plaza and Landside Modifications at San Diego International Airport); and

Adopt Resolution No. 2010-____, releasing funds and authorizing the President/CEO to execute additional Task Authorizations in an amount not-to-exceed one hundred twelve million, two hundred twenty-seven thousand, three hundred and three dollars (\$112,227,303) for a Board authorized total of one hundred eighty-one million, six hundred twenty-seven thousand, forty-three dollars (\$181,627,043) for Program Management and Related Services/Projects and Contingencies associated with the execution of the work related to this Board Action.

(Development: Bryan Enarson, Vice President)

21. CONSENT TO THE ASSIGNMENT OF THE IN-TERMINAL ADVERTISING AGREEMENT BETWEEN THE AIRPORT AUTHORITY AND THE JOINT VENTURE FOR THE OPERATION OF THE ADVERTISING CONCESSION AT SAN DIEGO INTERNATIONAL AIRPORT TO JCDECAUX AIRPORT, INC. AND THE SUBCONTRACT BETWEEN JCDECAUX AIRPORT, INC. AND THE ELIZABETH YOUNGER AGENCY, LTD, AND AUTHORIZING THE PRESIDENT/CEO TO EXECUTE A SECOND AMENDMENT TO THE IN-TERMINAL ADVERTISING AGREEMENT:

The Board is requested to consent to the assignment of the In-Terminal Advertising Agreement.

RECOMMENDATION: Adopt Resolution No. 2010-____, consenting to the assignment of the In-Terminal Advertising Agreement between the Authority and the Joint Venture for the Operation of the Advertising Concession at San Diego International Airport, LLC to JCDecaux Airport, Inc. and to the subcontract between JCDecaux Airport, Inc. and the Elizabeth Younger Agency, Ltd.; and authorizing the President/CEO to execute the Second Amendment to the In-Terminal Advertising Concession Agreement.

(Real Estate Management: Troy Ann Leech, Director)

22. AUTHORIZE THE PRESIDENT/CEO TO EXECUTE THE SIXTH AMENDMENT TO THE AGREEMENT WITH AECOM USA, INC.:

The Board is requested to Authorize the President/CEO to execute the amendment.

RECOMMENDATION: Adopt Resolution No. 2010-____, authorizing the President/CEO to execute the sixth amendment to the agreement with AECOM USA, Inc.

(Facilities Development: Iraj Ghaemi, Director)

BOARD WORKSHOP:

23. CONCESSIONS DEVELOPMENT PROGRAM UPDATE:

Presented by Vernon Evans, Vice President, Finance/Treasurer

CLOSED SESSION:

24. CONFERENCE WITH LEGAL COUNSEL: ANTICIPATED LITIGATION:

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

25. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION:

(Government Code Section 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).

26. CONFERENCE WITH REAL PROPERTY NEGOTIATORS:

Real Property Negotiations pursuant to Cal. Gov. Code sections 54954.5(b) and section 54956.8.

Property: 1.15 acre parcel located at the northern terminus of 13th Street in Imperial Beach

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

Under Negotiation: Sale – Terms of Payment and Conditions.

27. CONFERENCE WITH REAL PROPERTY NEGOTIATORS:

Real property negotiations pursuant to Cal. Gov. Code Sections 54954.5(b) and section 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.

28. CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION:

Pursuant to Government Code Section 54956.9(a):

Save Our Heritage Organization v. San Diego Unified Port District, et al.,
San Diego Superior Court Case No. 37-2009-00097828-CU-TT-CTL

29. CONFERENCE WITH LEGAL COUNSEL--EXISTING LITIGATION:

(Cal. Gov. Code Section 54956.9(a)):

San Diego Unified Port District v. Argonaut Insurance Company, et al, L.A.S.C.
GIC 874394

30. CONFERENCE WITH REAL PROPERTY NEGOTIATORS:

Real Property Negotiations pursuant to Cal Gov. Code §§ 54954.5(b) and 54956.8

Property: 3.76 acre easement across MCRD and San Diego Unified Port District property located on the Washington Street extension south of Pacific Highway, in the City of San Diego, CA.

Agency negotiators: Vernon Evans, Vice President, Finance/Treasurer and Troy Ann Leech, Director, Real Estate Management.

Under Negotiation: Consideration of MCRD's request for exclusive use of portion of the easement; possible realignment of access and rights; acquisition of easement or right of way from the San Diego Unified Port District.

31. CONFERENCE WITH LEGAL COUNSEL--EXISTING LITIGATION:

(Cal. Gov. Code Section 54956.9(a)):

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

32. 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

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 and Board Committee Meetings (Public Comment)

- 1) Persons wishing to address the Board 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 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. 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 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 without first obtaining permission to do so.

Additional Meeting Information

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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) 427-6438.

UPCOMING MEETING SCHEDULE				
<i>Date</i>	<i>Day</i>	<i>Time</i>	<i>Meeting Type</i>	<i>Location</i>
December 2	Thursday	9:00 a.m.	Regular	Board Room