

SAN DIEGO COUNTY REGIONAL AIRPORT AUTHORITY



REVISED – 3/30/09 BOARD MEETING

AGENDA

Thursday, April 2, 2009
9:00 A.M.

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

BOARD MEMBERS

ALAN D. BERSIN*
BRUCE R. BOLAND
JIM DESMOND
RAMONA FINNILA*
JIM PANKNIN
TOM SMISEK
ROBERT J. WATKINS*
ANTHONY K. YOUNG
CHARLENE ZETTEL

* EXECUTIVE COMMITTEE

EX OFFICIO BOARD MEMBERS

COL. CHRISTOPHER E. O'CONNOR
PEDRO ORSO-DELGADO
THOMAS L. SHEEHY

PRESIDENT/CEO
HELLA F. BOWENS

***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:

PRESENTATION(S):

A. REPORT ON THE AUTHORITY'S FINANCIAL CONDITION:

Presented by Vernon Evans, Vice President, Finance/Treasurer

PUBLIC COMMENT (18 MINUTES):

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:

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 March 5, 2009 regular meeting.

2. ACCEPTANCE OF BOARD 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 not covered by the current resolution.

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

3. AMEND AUTHORITY POLICY 1.50 GOVERNANCE:

The Board is requested to amend the policy.

RECOMMENDATION: Adopt Resolution No. 2009-0038, amending Authority Policy 1.50 – Governance, eliminating Section 8 (iv) to allow Board Members to serve on both the Finance and Audit Committees simultaneously.

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

CLAIMS

4. RESOLUTION AUTHORIZING THE REJECTION OF THE CLAIM OF ELIZABETH BORSBOOM:

The Board is requested to reject the claim.

RECOMMENDATION: Adopt Resolution No. 2009-0039, authorizing the rejection of the claim of Elizabeth Borsboom.

(Legal: Breton Lobner, General Counsel)

COMMITTEE RECOMMENDATIONS

5. AUTHORIZE THE PRESIDENT/CEO TO EXECUTE, DELIVER, AND PERFORM A LETTER OF CREDIT AND REIMBURSEMENT AGREEMENT WITH UNION BANK, NA:

The Board is requested to authorize the President/CEO to execute a Letter of Credit and Reimbursement Agreement.

RECOMMENDATION: The Finance Committee recommends that the Board adopt Resolution No. 2009-0040, authorizing the President/CEO, on behalf of the Authority, to take all actions necessary to execute, deliver, and perform a Letter of Credit and Reimbursement Agreement (“Reimbursement Agreement”) with Union Bank, NA in order to implement the Authority’s Bonding and Contract Financing Assistance Program.

(Administration: Jeffrey Woodson, Vice President)

CONTRACTS AND AGREEMENTS

6. AWARDED CONTRACTS, APPROVED CHANGE ORDERS FROM FEBRUARY 2, 2009 THROUGH MARCH 1, 2009 AND REAL PROPERTY AGREEMENTS GRANTED AND ACCEPTED FROM FEBRUARY 2, 2009 THROUGH MARCH 1, 2009:

The Board is requested to receive the report.

RECOMMENDATION: Receive the report.

(Procurement: Jana Vargas, Director)

7. ADOPT A NEGATIVE DECLARATION TO CONSTRUCT A 60-INCH STORM DRAIN AND ASSOCIATED OUTFALL AT SAN DIEGO INTERNATIONAL AIRPORT:

The Board is requested to adopt the Negative Declaration.

RECOMMENDATION: Adopt Resolution No. 2009-0041, adopting a Negative Declaration prepared in accordance with the California Environmental Quality Act (CEQA) to construct a 60-inch storm drain and associated outfall at San Diego International Airport.

(Airport Planning: Ted Anasis, Manager)

8. AWARD A CONSTRUCTION CONTRACT TO MARCOTTE & HEARNE BUILDERS, INC. FOR IMPROVE BAGGAGE SCREENING CAPACITY – TERMINAL BUILDING MODIFICATIONS:

The Board is requested to award the contract.

RECOMMENDATION: Adopt Resolution No. 2009-0042, awarding a construction contract to Marcotte & Hearne Builders, Inc., in the amount of \$267,504.00, for Project No. 103096O, Improve Baggage Screening Capacity – Terminal Building Modifications, at San Diego International Airport (“SDIA”).

(Facilities Development: Iraj Ghaemi, Director)

9. AUTHORIZE THE PRESIDENT/CEO TO: (1) EXTEND THE CURRENT TERM OF THE AGREEMENT WITH PORTER NOVELLI FOR PUBLIC OUTREACH SERVICES TWO MONTHS TO JUNE 30, 2009 AND (2) EXERCISE THE FIRST OPTION TO EXTEND THE TERM OF THE CONTRACT FOR ONE YEAR TO JUNE 30, 2010, AND (3) RETAIN THE CONTRACT’S CURRENT MAXIMUM AMOUNT PAYABLE AT \$1,500,000:

The Board is requested to extend the term of the contract.

RECOMMENDATION: Adopt Resolution No. 2009-0043, authorizing the President/CEO to extend the term of the agreement with Porter Novelli for public outreach services by two (2) months and to exercise the first option to extend the term of the contract for one year to June 30, 2010 and to retain the contract’s current maximum amount payable at \$1,500,000.00.

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

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

10. AUTHORIZATION TO AWARD ON-CALL AIRPORT PAVEMENT REPAIR SERVICES CONTRACT TO HAZARD CONSTRUCTION COMPANY:

The Board is requested to approve the contract.

RECOMMENDATION: Adopt Resolution No. 2009-0044, awarding a service contract to Hazard Construction Company (“Hazard”) with a three-year term and a not to exceed amount of \$8,808,705 for provision of On-Call Airport Pavement Repairs at the San Diego International Airport (“SDIA”).

(Facilities Development: Iraj Ghaemi, Director)

11. AWARD A CONSTRUCTION CONTRACT TO S&L SPECIALTY CONTRACTING, INC., FOR QUIETER HOME PROGRAM PHASE 4, GROUP 10 (16 EAST SIDE UNITS; 34 WEST SIDE UNITS; 1 HISTORIC AND 49 NON-HISTORIC):

The Board is requested to award the contract.

RECOMMENDATION: Adopt Resolution No. 2009-0045, awarding a construction contract to S&L Specialty Contracting, Inc., in the amount of \$1,618,550.00, for Phase 4, Group 10, Project No. 380410, of the San Diego County Regional Airport Authority's ("Authority's") Quieter Home Program ("Program").

(Facilities Development: Iraj Ghaemi, Director)

12. AUTHORIZE THE PRESIDENT/CEO TO AWARD A CONTRACT TO CHARLES KING COMPANY TO CONSTRUCT 96-INCH SEWER PIPE LINER AT SAN DIEGO INTERNATIONAL AIRPORT:

The Board is requested to award the contract.

RECOMMENDATION: Adopt Resolution No. 2009-0046, authorizing the President/CEO to award a contract to Charles King Company, in the amount of \$3,793,894.00, for Project No. 103044, 96-Inch Sewer Pipe Liner, at San Diego International Airport ("SDIA"), after the MOU between the San Diego County Regional Airport Authority ("Authority") and the City of San Diego is finalized and executed.

(Facilities Development: Iraj Ghaemi, Director)

13. AUTHORIZE THE PRESIDENT / CEO TO AWARD TWO ON-CALL AIRSIDE / LANDSIDE ENGINEERING AND ARCHITECT CONSULTANT SERVICE AGREEMENTS:

The Board is requested to award the contract.

RECOMMENDATION: Adopt Resolution No. 2009-0047, authorizing the President/CEO to award two On-Call Airside / Landside Engineering and Architect Consultant Service Agreements, one with Kimley-Horn and Associates, Inc., and one with CH2M Hill, each for a three-year term, and a not-to-exceed value of \$5,000,000.00, in support of the Capital Improvement and Major Maintenance Programs at San Diego International Airport ("SDIA").

(Facilities Development: Iraj Ghaemi, Director)

PUBLIC HEARINGS:

OLD BUSINESS:

NEW BUSINESS:

14. AUTHORIZE THE PRESIDENT/CEO TO (1) EXECUTE TWO DESIGN-BUILD CONTRACTS FOR TERMINAL 2 WEST BUILDING AND AIRSIDE EXPANSION AND LANDSIDE IMPROVEMENTS; (2) EXECUTE TASK AUTHORIZATIONS FOR DESIGN PHASE SERVICES; AND 3) AUTHORIZE FUNDING OF THE WORK:

The Board is requested to authorize the President/CEO to execute the contracts.

RECOMMENDATION:

Adopt Resolution No. 2009-0049, authorizing the President/CEO to execute a Design-Build Contract (Contract 1) for the Terminal 2 West Building and Airside Expansion with the Turner/PCL/FCI Joint Venture at San Diego International Airport;

Adopt Resolution No. 2009-0050, authorizing the President/CEO to execute a Design-Build Contract (Contract 2) for the Terminal 2 Landside Improvements with the Kiewit/Sundt Joint Venture, at San Diego International Airport;

Adopt Resolution No. 2009-0051, authorizing the President/CEO to execute Task Authorizations for design phase services under Contract 1 in the total not to exceed amount of \$14,000,000.00, at San Diego International Airport;

Adopt Resolution No. 2009-0052, authorizing the President/CEO to execute Task Authorizations for design phase services under Contract 2 in the total not to exceed amount of \$11,000,000.00, at San Diego International Airport; and

Adopt Resolution No. 2009-0053, authorizing funding for the work covered by this Board Action for Contract 1 in the not to exceed amount of \$14,000,000.00 and Contract 2 in the not to exceed amount of \$11,000,000.00, for a total not to exceed funding amount of \$25,000,000.00, at San Diego International Airport ("SDIA").

(Terminal Development Program: Steve Cornell, Director)

15. AUTHORIZE CONTRACTS WITH RECOMMENDED ARTISTS TO DESIGN INTEGRATED ARTWORK FOR THE TERMINAL DEVELOPMENT PROGRAM:

The Board is requested to authorize the contracts.

RECOMMENDATION:

Adopt Resolution No. 2009-0054, approving the Art Advisory Committee recommendation to award Jim Campbell the commission for the Multisensory Journey Public Art Opportunity in an amount not to exceed \$2,180,000.00.

Adopt Resolution No. 2009-0055, approving the Art Advisory Committee recommendation to award Stuart Keeler the commission for the Terminal Development Program Suspended Artwork Opportunity in an amount not to exceed \$326,000.00.

Adopt Resolution No. 2009-0056, approving the Art Advisory Committee recommendation to award Living Lenses the commission for the Terminal Development Program's Terminal Elevators Public Art Opportunity in an amount not to exceed \$175,000.00.

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

16. APRIL 2009 LEGISLATIVE REPORT:

The Board is requested to approve the report.

RECOMMENDATION: Adopt Resolution No. 2009-0048, approving the April, 2009 Legislative Report.

(Inter-Governmental Relations: Michael Kulis, Director)

17. DISCUSSION REGARDING THE RE-APPOINTMENT OF JACK VAN SAMBEEK AS A PUBLIC MEMBER TO THE AUDIT COMMITTEE:

The Board is requested to provide direction to staff.

RECOMMENDATION: Provide direction to staff.

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

18. ADOPT POLICY 5.12 ALLOWING FOR PREFERENCE TO SMALL BUSINESSES IN THE AWARD OF PUBLIC WORKS CONTRACTS IN FURTHERANCE OF THE BONDING AND CONTRACT FINANCING ASSISTANCE PROGRAM:

The Board is requested to adopt the policy.

RECOMMENDATION: Adopt Resolution No. 2009-0057, approving the adoption of Authority Policy 5.12 to allow for a cost allowance preference to be given to participating small businesses on public works contracts when they are enrolled in the Bonding and Contract Financing Assistance Program to cover administrative costs associated with the Program.

(Administration: Jeffrey Woodson, Vice President)

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

STANDING BOARD COMMITTEES

• **AUDIT COMMITTEE:**

Committee Members: Smisek (Vice Chair), Watkins, Young, Zettel (Chair), Tartre, Buck, Van Sambeek

• **EXECUTIVE PERSONNEL AND COMPENSATION COMMITTEE:**

Committee Members: Boland, Desmond, Watkins (Chair), Zettel

• **FINANCE COMMITTEE:**

Committee Members: Bersin (Chair), Panknin, Sheehy (Ex-Officio), Watkins, Young

- **TERMINAL DEVELOPMENT PROGRAM COMMITTEE:**
Committee Members: Boland (Chair), Finnila, Orso Delgado (Ex Officio), Panknin (Vice Chair), Miller (Public Member), Sheehy (Ex-Officio)

AD HOC COMMITTEE

- **RASP/AMAP AD HOC COMMITTEE:**
Committee Members: Desmond, Finnila (Chair), Boland (Vice Chair), Panknin, Orso Delgado (Ex-Officio)

LIAISONS

- **MILITARY AFFAIRS LIAISONS:**
Liaisons: Boland (Primary), Panknin
- **AVIATION TECHNOLOGICAL ADVANCES:**
Liaisons: Desmond (Primary), Smisek
- **CALTRANS:**
Representative: Orso-Delgado (Ex-Officio)

BOARD REPRESENTATIVES

- **SANDAG TRANSPORTATION COMMITTEE REPRESENTATIVE:**
Committee Representatives: Smisek (Primary), Zettel (First Alternate)
- **SCAG AVIATION TASK FORCE:**
Task Force Representatives: Zettel (Primary), Smisek (Alternate)
- **WORLD TRADE CENTER:**
Representatives: Watkins (Primary), Finnila (Alternate)

PRESIDENT/CEO REPORT:

- About the Airport
- Destination Lindbergh: The Ultimate Build Out
- Terminal Development Program
- Regional Aviation Strategic Plan
- Public Outreach and Communication
- International Air Service
- Comprehensive Ground Transportation Plan

CLOSED SESSION:

- 19. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
(Government Code Section 54956.9(a)):**
Britt v. San Diego County Regional Airport Authority, et al., San Diego Superior Court Case No. 37-2007-00072794-CU-MC-CTL
- 20. CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION:**
Pursuant to Government Code Section 54956.9(b)
Number of cases: 1
Facts and circumstances exist causing significant exposure to litigation in accordance with Section 54956.9(b)(3(B). These facts are known by potential plaintiff Gameday Media Properties, Inc. ("Gameday") and are as follows: a disagreement exists between the Authority and Gameday regarding the close out audit of the concession agreement.
- 21. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION:**
Pursuant to Government Code Section 54956.9(a):
Kenneth Quilantang v. San Diego County Regional Airport Authority, et al., San Diego Superior Court Case No. 37-2008-00092986-CU-PO-CTL
- 22. 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.
- 23. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION:**
Initiation of litigation pursuant to Cal. Gov. Code §54956.9(c).
Number of potential cases: 1 (Nazbest-Pacific).
- 24. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION:**
Initiation of litigation pursuant to Cal. Gov. Code §54956.9(c).
Number of potential cases: 1 (Galaxy).
- 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)

REPORT ON CLOSED SESSION:

PUBLIC COMMENT:

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:

BOARD MEMBER REPORTS ON MEETINGS ATTENDED 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

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 two working days prior to the meeting to ensure availability.

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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> |
| May 8 | Friday | 9:00 a.m. | Special | Board Room |
| June 4 | Thursday | 9:00 a.m. | Regular | Board Room |
| July 9 | Thursday | 9:00 a.m. | Special | Board Room |