

SAN DIEGO COUNTY REGIONAL AIRPORT AUTHORITY

DRAFT – REVISED 2/22/13

BOARD

AGENDA

Thursday, March 7, 2013
9:00 A.M.

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



BOARD MEMBERS

DAVID ALVAREZ
LAURIE BERMAN*
BRUCE R. BOLAND
GREG COX
JIM DESMOND
ROBERT H. GLEASON
LLOYD B. HUBBS
PEDRO REYES*
PAUL ROBINSON
MARY SESSOM
TOM SMISEK

* EX OFFICIO BOARD MEMBERS

PRESIDENT/CEO
THELLA F. BOWENS

***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. ***Please note that agenda items may be taken out of order.*** 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. 2012 ANNUAL SAN PASSENGER SATISFACTION SURVEY RESULTS:**
Presented by Murray Bauer, Director, Landside Operations, and Scott Ludwigsen, Executive Vice President, Phoenix Marketing International
- B. UPDATE ON THE AIRPORT DEVELOPMENT PROGRAM:**
Presented by Keith Wilschetz, Director, Airport Planning
- C. WATER QUALITY OBJECTIVES FOR SAN DIEGO BAY:**
Presented by David Gibson, Executive Director, San Diego Regional Water Quality Control Board

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

STANDING BOARD COMMITTEES

- **AUDIT COMMITTEE:**
Committee Members: Gleason, Hollingworth, Hubbs, Sessom, Smisek (Chair), Tartre, Van Sambeek
- **CAPITAL IMPROVEMENT PROGRAM OVERSIGHT COMMITTEE:**
Committee Members: Alvarez, Boland (Chair), Gleason, Hubbs, Robinson
- **EXECUTIVE PERSONNEL AND COMPENSATION COMMITTEE:**
Committee Members: Boland, Cox, Desmond (Chair), Hubbs, Smisek
- **FINANCE COMMITTEE:**
Committee Members: Alvarez, Cox (Chair), Hubbs, Robinson, Sessom

ADVISORY COMMITTEES

- **AUTHORITY ADVISORY COMMITTEE:**
Liaison: Smisek
- **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:**

Liaison: Boland

- **PORT:**

Liaisons: Boland, Cox, Gleason (Primary), Smisek

BOARD REPRESENTATIVES (EXTERNAL)

- **SANDAG TRANSPORTATION COMMITTEE:**

Representatives: Hubbs, Smisek (Primary)

- **WORLD TRADE CENTER:**

Representatives: Alvarez, Gleason (Primary)

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 1-17):

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 February 14, 2013, special 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 JANUARY 7, 2013 THROUGH FEBRUARY 10, 2013, AND REAL PROPERTY AGREEMENTS GRANTED AND ACCEPTED FROM JANUARY 7, 2013 THROUGH FEBRUARY 10, 2013:

The Board is requested to receive the report.

RECOMMENDATION: Receive the report.

(Procurement: Jana Vargas, Director)

4. MARCH 2013 LEGISLATIVE REPORT:

The Board is requested to approve the report.

RECOMMENDATION: Adopt Resolution No. 2013-____, approving the March 2013 Legislative Report.

(Inter-Governmental and Community Relations: Michael Kulis, Director)

5. APPOINTMENT OF AUTHORITY ADVISORY COMMITTEE MEMBERS:

The Board is requested to approve appointments.

RECOMMENDATION: Adopt Resolution No. 2013-____, approving appointments to the Authority Advisory Committee.

(Executive Office: Matt Harris, Senior Director)

6. GRANT A DRAINAGE EASEMENT TO THE CITY OF SAN DIEGO AND ACCEPT A PARTIAL VACATION OF AN EXISTING DRAINAGE EASEMENT:

The Board is requested to authorize a grant deed.

RECOMMENDATION: Adopt Resolution No. 2013-_____, authorizing the President/CEO to negotiate and execute a storm water drainage Easement with the City of San Diego and accept a partial vacation of an existing storm water drainage Easement by the City of San Diego in part on the Rental Car Center and other North Side Development sites.

(Finance: Vernon Evans, Vice President/Treasurer)

CLAIMS

7. AUTHORIZE THE REJECTION OF THE CLAIM OF DANIEL FERDIG:

The Board is requested to reject the claim.

RECOMMENDATION: Adopt Resolution No. 2013-_____, authorizing the rejection of the claim of Daniel Ferdig.

(Legal: Breton Lobner, General Counsel)

8. AUTHORIZE THE REJECTION OF THE CLAIM OF CLAUDINE ALVSTRALE:

The Board is requested to reject the claim.

RECOMMENDATION: Adopt Resolution No. 2013-_____, authorizing the rejection of the claim of Claudine Alvstrale.

(Legal: Breton Lobner, General Counsel)

9. AUTHORIZE THE REJECTION OF THE CLAIM OF SANDRA REDDING:

The Board is requested to reject the claim.

RECOMMENDATION: Adopt Resolution No. 2013-_____, authorizing the rejection of the claim of Sandra Redding.

(Legal: Breton Lobner, General Counsel)

10. AUTHORIZE THE REJECTION OF THE CLAIM OF MELVIN MCFARLIN:

The Board is requested to reject the claim.

RECOMMENDATION: Adopt Resolution No. 2013-_____, authorizing the rejection of the claim of Melvin McFarlin.

(Legal: Breton Lobner, General Counsel)

11. AUTHORIZE THE REJECTION OF THE CLAIM OF ARLENE LAPLANTE:

The Board is requested to reject the claim.

RECOMMENDATION: Adopt Resolution No. 2013-_____, authorizing the rejection of the claim of Arlene LaPlante.

(Legal: Breton Lobner, General Counsel)

COMMITTEE RECOMMENDATIONS

12. QUARTERLY AUDIT ACTIVITIES REPORT – FISCAL YEAR 2013 SECOND QUARTER, AND AUDIT RECOMMENDATIONS ISSUED BY 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 Department: Mark Burchyett, Chief Auditor)

13. REVISION TO THE FISCAL YEAR 2013 AUDIT PLAN OF THE OFFICE OF THE CHIEF AUDITOR:

The Board is requested to accept the information.

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

(Audit Department: Mark Burchyett, Chief Auditor)

CONTRACTS AND AGREEMENTS

14. CONSENT TO SUBLEASE AGREEMENT BETWEEN PROJECT HORIZON, INC. AND SOUNDBALANCE SAN, LLC:

The Board is requested to consent to a sublease.

RECOMMENDATION: Adopt Resolution No. 2013-____, consenting to the sublease agreement between Project Horizon, Inc. and Soundbalance SAN, LLC, and authorizing the President/CEO to execute the consent agreement.

(Finance: Vernon Evans, Vice President/Treasurer)

15. CONSENT TO SUBLEASE AGREEMENT BETWEEN STELLAR PARTNERS, INC. AND BROOKSTONE COMPANY, INC.

The Board is requested to consent to a sublease.

RECOMMENDATION: Adopt Resolution No. 2013-____, consenting to a sublease agreement between Stellar Partners, Inc., and Brookstone Company, Inc., and authorizing the President/CEO to execute the consent agreement.

(Finance: Vernon Evans, Vice President/Treasurer)

16. CONSENT TO SUBLEASE AGREEMENT BETWEEN HIGH FLYING FOODS SAN DIEGO PARTNERSHIP AND PROCUREMENT CONCEPTS, INC.

The Board is requested to consent to a sublease.

RECOMMENDATION: Adopt Resolution No. 2013-____, consenting to a sublease agreement between High Flying Foods San Diego Partnership and Procurement Concepts, Inc., and authorizing the President/CEO to execute the consent agreement.

(Finance: Vernon Evans, Vice President/Treasurer)

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

17. APPROVE AND AUTHORIZE THE PRESIDENT/CEO TO EXECUTE A FIRST AMENDMENT TO THE AGREEMENT WITH KONE INC. FOR ELEVATOR AND ESCALATOR MAINTENANCE AND REPAIR SERVICES:

The Board is requested to execute a first amendment to the agreement.

RECOMMENDATION: Adopt Resolution No. 2013-____, approving and authorizing the President/CEO to execute a First Amendment to the Agreement for Elevator and Escalator Maintenance and Repair between the San Diego County Regional Airport Authority and KONE Inc., increasing compensation by \$1,778,839.00 for a total not-to-exceed compensation amount of \$8,278,839.00 and extending the term for eight months, to expire December 31, 2013.

(Development: Bryan Enarson, Vice President)

PUBLIC HEARINGS:

OLD BUSINESS:

NEW BUSINESS:

18. AUTHORIZE THE PRESIDENT/CEO TO NEGOTIATE AND EXECUTE TASK/WORK AUTHORIZATIONS WITH THE CONSTRUCTION MANAGER AT RISK, AUSTIN/SUNDT, A JOINT VENTURE, FOR THE CONSTRUCTION OF CERTAIN TIME-SENSITIVE ENABLING PROJECTS ASSOCIATED WITH THE RENTAL CAR CENTER, NOT TO EXCEED TWENTY-FIVE MILLION DOLLARS (\$25,000,000):

The Board is requested to authorize the President/CEO to negotiate and execute task/work authorizations.

RECOMMENDATION: Adopt Resolution No. 2013-____, authorizing the President/CEO to negotiate and execute task/work authorizations with the Construction Manager at Risk, Austin/Sundt, a joint venture, for the construction of certain time-sensitive enabling projects associates with the Rental Car Center, not to exceed \$25,000,000.

(Development: Bryan Enarson, Vice President)

19. PROVIDE DIRECTION TO STAFF REGARDING A PROPOSED DEFINITION OF PENSIONABLE EARNINGS UNDER THE CALIFORNIA PUBLIC EMPLOYEES PENSION REFORM ACT OF 2013 (PEPRA):

The Board is requested to provide direction.

RECOMMENDATION: Provide Staff with direction on a proposed definition of pensionable earnings to be advocated to SDCERS for use in implementing the California Public Employees' Pension Reform Act of 2013.

(Administration: Jeffrey Woodson, Vice-President)

CLOSED SESSION:

20. 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

21. 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

22. CONFERENCE WITH REAL PROPERTY NEGOTIATORS:

Legal Authority: Real property negotiations pursuant to Cal. Gov. Code §
54954.5(b) and § 54956.8
Property: 4347 North Harbor Drive, San Diego, CA 92101
Authority Negotiators: Vernon D. Evans, Vice President, Finance/Treasurer and
Troy Ann Leech
Negotiating Party: City of San Diego
Under Negotiation: Terms and conditions of purchase

23. CONFERENCE WITH REAL PROPERTY NEGOTIATORS:

Legal Authority: Real property negotiations pursuant to Cal. Gov. Code
§54954.5(b) and §54956.8.
Property: 3312 Goldsmith Street, San Diego, CA 92106 (Assessor's parcel #450-
142-13-00)
Agency Negotiators: Vernon Evans, Vice President, Finance/Treasurer and Troy
Ann Leech, Director, Real Estate
Under Negotiation: Sale of property – terms and conditions

24. CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION:

(Cal.Gov.Code §54956.9(a))
Ann Marie Tejcek v. San Diego County Regional Airport Authority, et al.
LASC No. 37-2011-00102856-CU-PO-CTL

25. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION:

(Cal. Gov. Code § 54956.9(a))

Jacob Mojadam, individually and on behalf of all those similarly situated v. San Diego County Regional Airport Authority, et al

San Diego Superior Court Case No. 37-2012-00098040-CU-MC-CTL

26. CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION:

(Cal. Gov. Code Section 54956.9(A))

Diego Concession Group, Inc. v. San Diego County Regional Airport Authority
S.D.S.C Case No. 37-2012-00088083-CU-BT-CTL

27. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION:

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

28. 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]

29. 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

30. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION:

Significant exposure to litigation (Cal. Gov. Code §§ 54956.9 (b) and 54954.5)

Number of potential cases: 1

Re: Investigative Order No. R9-2012-0009 by the California Regional Water Quality Control Board regarding submission of technical reports pertaining to an investigation of bay sediments at the Downtown Anchorage Area in San Diego

REPORT ON CLOSED SESSION:

NON-AGENDA PUBLIC COMMENT:

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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

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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.

UPCOMING MEETING SCHEDULE

<i>Date</i>	<i>Day</i>	<i>Time</i>	<i>Meeting Type</i>	<i>Location</i>
April 4	Thursday	9:00 a.m.	Regular	Board Room
May 2	Thursday	9:00 a.m.	Regular	Board Room
June 6	Thursday	9:00 a.m.	Regular	Board Room