

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. RICHEY*
PAUL ROBINSON
TOM SMISEK
ANTHONY K. YOUNG

* EX OFFICIO BOARD MEMBERS

PRESIDENT/CEO
THELLA F. BOWENS

Revised 6/20/2012

DRAFT

SPECIAL BOARD

AGENDA

Thursday, July 12, 2012
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. ***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. AIRPORT POWER SYSTEM BRIEFING:

Presented by Wayne Harvey, Director, Facilities Management

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

STANDING BOARD COMMITTEES

- **AUDIT COMMITTEE:**
Committee Members: Gleason, Hollingworth, Hubbs, Smisek (Chair), Tartre, Van Sambeek, Young
- **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
- **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 1-13):

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 May 16, 2012 Special meeting, and June 7, 2012 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 MAY 14, 2012 THROUGH JUNE 10, 2012 AND REAL PROPERTY AGREEMENTS GRANTED AND ACCEPTED FROM MAY 14, 2012 THROUGH JUNE 10, 2012:

The Board is requested to receive the report.

RECOMMENDATION: Receive the report.

(Procurement: Jana Vargas, Director)

4. JULY 2012 LEGISLATIVE REPORT:

The Board is requested to approve the report.

RECOMMENDATION: Adopt Resolution No. 2012-0070, approving the July, 2012 Legislative Report.

(Inter-Governmental Relations: Michael Kulis, Director)

5. APPOINTMENT OF PUBLIC MEMBER TO THE AUDIT COMMITTEE:

The Board is requested to make the appointment.

RECOMMENDATION: Adopt Resolution No. 2012-0071, appointing Jack Van Sambeek as a public member of the Audit Committee.

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

CLAIMS

6. AUTHORIZE THE REJECTION OF THE CLAIM OF ORVILLE C. ANDERSON:

The Board is requested to reject the claim.

RECOMMENDATION: Adopt Resolution No. 2012-0072, authorizing the rejection of the claim of Orville C. Anderson.

(Legal: Breton Lobner, General Counsel)

COMMITTEE RECOMMENDATIONS

7. AUTHORIZE A CONTRACT WITH JASON BRUGES STUDIO LIMITED TO DESIGN INTEGRATED ARTWORK FOR THE TERMINAL DEVELOPMENT PROGRAM:

The Board is requested to authorize a contract.

RECOMMENDATION: The Art Advisory Committee recommends that the Board adopt Resolution No. 2012-0073, authorizing a contract with Jason Bruges Studio

Limited for the commission of the New Media/Multi-Media Lounge Environment
Public Art Opportunity in an amount not to exceed \$400,000.

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

CONTRACTS AND AGREEMENTS

8. APPROVE AND AUTHORIZE THE PRESIDENT/CEO TO EXECUTE AGREEMENTS FOR GENERAL LEGAL SERVICES WITH MORRISON & FOERSTER, LLP, AND BEST BEST KRIEGER, LLP:

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

RECOMMENDATION: Adopt Resolution No. 2012-0074, authorizing the President/CEO to execute an agreement for general legal services to Morrison & Foerster LLP, for a term of three (3) years, with two (2) additional one-year options, with a maximum amount payable not to exceed \$300,000.

Adopt Resolution No. 2012-0075, authorizing the President/CEO to execute an agreement for general legal services to Best Best and Krieger LLP, for a term of three (3) years, with two (2) additional one-year options, with a maximum amount payable not to exceed \$300,000.

(Legal: Breton Lobner, General Counsel)

9. APPROVE AND AUTHORIZE THE PRESIDENT/CEO TO EXECUTE A SECOND AMENDMENT TO THE ON-CALL AIRSIDE/LANDSIDE ARCHITECT & ENGINEERING CONSULTANT SERVICES AGREEMENT WITH CH2M HILL, INC:

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

RECOMMENDATION: Adopt Resolution No. 2012-0076, authorizing the President/CEO to execute a Second Amendment to the agreement with CH2M Hill, Inc., extending the term of the agreement by two years, to expire on August 1, 2014, to provide on-call professional airside/landside architect & engineering consultant services for Capital Improvement and Major Maintenance projects. No additional funds are required for this time extension.

(Facilities Development: Iraj Ghaemi, Director)

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

10. AWARD A CONTRACT TO S&L SPECIALTY CONTRACTING, INC., FOR QUIETER HOME PROGRAM PHASE 6, GROUP 5 (30 WEST SIDE, NON-HISTORIC, CONDOMINIUM UNITS):

The Board is requested to award a contract.

RECOMMENDATION: Adopt Resolution No. 2012-0077, awarding a contract to S&L Specialty Contracting, Inc., in the amount of \$1,219,550, for Phase 6, Group 5, Project No. 380605, of the San Diego County Regional Airport Authority's Quieter Home Program.

(Airport Noise Mitigation: Dan Frazee, Director)

11. AWARD A CONTRACT TO HAZARD CONSTRUCTION COMPANY, TO RELOCATE LOT 6 EMPLOYEE PARKING:

The Board is requested to award a contract.

RECOMMENDATION: Adopt Resolution No. 2012-0078, awarding a contract to Hazard Construction Company, in the amount of \$3,334,537, for Project No. 104145, Relocate Lot 6 Employee Parking from Harbor Island to former Teledyne Ryan site, at San Diego International Airport.

(Facilities Development: Iraj Ghaemi, Director)

12. AWARD A CONTRACT TO HAZARD CONSTRUCTION COMPANY, TO RECONSTRUCT LOT 8/SAN PARK HARBOR DRIVE, AT SAN DIEGO INTERNATIONAL AIRPORT:

The Board is requested to award a contract.

RECOMMENDATION: Adopt Resolution No. 2012-0079, rejecting, the apparent low bidder, Southland Paving, Inc., due to non-responsiveness of its bid, and awarding a contract to Hazard Construction Company, in the amount of \$2,515,879, for Project No. 104127, Reconstruction of Lot 8/SAN Park Harbor Drive, at San Diego International Airport.

(Facilities Development: Iraj Ghaemi, Director)

13. APPROVE AND AUTHORIZE THE PRESIDENT/CEO TO EXECUTE AN ON-CALL AIRPORT PAVEMENT REPAIR AGREEMENT:

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

RECOMMENDATION: Adopt Resolution No. 2012-0080, approving and authorizing the President/CEO to execute an On-Call Airport Pavement Repair Agreement with Hazard Construction Company, for a term of three years, with the option for two one-year extensions, to be exercised at the discretion of the President/CEO, in an amount not to exceed \$9,246,500, in support of the existing pavement surfaces at San Diego International Airport.

(Facilities Management: Wayne Harvey, Director)

PUBLIC HEARINGS:

OLD BUSINESS:

NEW BUSINESS:

14. UPDATE AND POTENTIAL ACTION REGARDING GROUND TRANSPORTATION:

The Board is requested to receive the update and take action.

RECOMMENDATION: Receive the update and potentially take action.

(Planning & Operations: Angela Shafer-Payne, Vice President)

15. GRANT A 7-YEAR LEASE TO (TO BE DETERMINED), TO DESIGN, BUILD AND OPERATE A DUTY FREE STORE IN TERMINAL 2 EAST:

The Board is requested to grant a lease.

RECOMMENDATION: Adopt Resolution No. 2012-0081, granting a 7-year lease to _____, to design, build and operate a duty free store in Terminal 2 East.

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

CLOSED SESSION:

16. PUBLIC EMPLOYEE PERFORMANCE EVALUATION:

(Government Code 54957):

Title: President/CEO

17. PUBLIC EMPLOYEE PERFORMANCE EVALUATION:

(Government Code 54957):

Title: General Counsel

18. PUBLIC EMPLOYEE PERFORMANCE EVALUATION:

(Government Code Section 54957)

Title: Chief Auditor

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 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

22. 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

23. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION:

(Cal. Gov. 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)

24. 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

25. 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

26. 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

27. 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

28. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION:

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

29. 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]

30. 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

31. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION:

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

32. 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 Bay

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>
September 6	Thursday	9:00 A.M.	Regular	Board Room
October 4	Thursday	9:00 A.M.	Regular	Board Room
November 1	Thursday	9:00 A.M.	Regular	Board Room