

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

DRAFT **BOARD**

AGENDA

Thursday, October 6, 2011
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. 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. AIREX – AIRPORT EMERGENCY EXERCISE (EDUCATIONAL ITEM):

Presented by George Condon, Director, Aviation Operations and Public Safety;
and Susie Preiser, Manager, Emergency Preparedness and Public Safety

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

STANDING BOARD COMMITTEES

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

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CONSENT AGENDA (Items 1-14):

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 1, 2011 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 AUGUST 8, 2011 THROUGH SEPTEMBER 11, 2011 AND REAL PROPERTY AGREEMENTS GRANTED AND ACCEPTED FROM AUGUST 8, 2011 THROUGH SEPTEMBER 11, 2011:

The Board is requested to receive the report.

RECOMMENDATION: Receive the report.

(Procurement: Jana Vargas, Director)

4. OCTOBER 2011 LEGISLATIVE REPORT:

The Board is requested to approve the report.

RECOMMENDATION: Adopt Resolution No. 2011-____, approving the October 2011 Legislative Report.

(Inter-Governmental Relations: Michael Kulis, Director)

5. APPOINTMENT OF AUTHORITY ADVISORY COMMITTEE MEMBERS:

The Board is requested to make appointments.

RECOMMENDATION: Adopt Resolution No. 2011-____, approving appointments to the Authority Advisory Committee.

(Executive Office: Matt Harris, Senior Director)

CLAIMS

COMMITTEE RECOMMENDATIONS

6. FISCAL YEAR 2011 – ANNUAL REPORT FROM THE AUDIT COMMITTEE:

The Board is requested to accept the report.

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

(Audit Committee: Tom Smisek, Chair)

7. FISCAL YEAR 2011 – ANNUAL AUDIT ACTIVITIES REPORT, AND AUDIT RECOMMENDATIONS FROM 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: Mark Burchyett, Chief Auditor)

8. REVISION TO THE FISCAL YEAR 2012 AUDIT PLAN OF THE OFFICE OF THE CHIEF AUDITOR:

The Board is requested to accept the report.

RECOMMENDATION: Audit Committee recommends that the Board accept the audit plan.

(Audit: Mark Burchyett, Chief Auditor)

9. AMEND AUTHORITY POLICY 9.20 – CHANGE IN FEDERAL AVIATION ADMINISTRATION (FAA) REPRESENTATIVE STATUS ON AUTHORITY'S AIRPORT NOISE ADVISORY COMMITTEE (ANAC):

The Board is requested to amend the policy.

RECOMMENDATION: Adopt Resolution No. 2011-_____, amending Authority Policy 9.20, SDIA Airport Noise Advisory Committee (ANAC) to reflect a change in Federal Aviation Administration (FAA) representation status from voting member to ex officio and reflecting changes in community planning groups' designations.

(Airport Noise Mitigation: Dan Frazee, Director)

CONTRACTS AND AGREEMENTS

10. AUTHORIZE THE THIRD AMENDMENT TO THE PROFESSIONAL LEGAL SERVICES AGREEMENT WITH LUCE, FORWARD, HAMILTON & SCRIPPS, LLP:

The Board is requested to authorize the amendment.

RECOMMENDATION: Adopt Resolution No. 2011-_____, authorizing the third amendment to the professional legal services agreement with Luce, Forward, Hamilton & Scripps, LLP to increase the contract amount by (TBD) for a total not-to-exceed amount of (TBD)

(Legal: Breton Lobner, General Counsel)

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

11. AUTHORIZE THE FOURTEENTH AMENDMENT TO THE PROFESSIONAL LEGAL SERVICES AGREEMENT WITH ALSTON & BIRD, LLP:

The Board is requested to authorize the amendment.

RECOMMENDATION: Adopt Resolution No. 2011-____, authorizing the Fourteenth Amendment to the Professional Legal Services Agreement with Alston & Bird, LLP to extend the term of the agreement by one year to expire no later than November 21, 2012.

(Legal: Breton Lobner, General Counsel)

12. AWARD A CONTRACT TO _____, FOR QUIETER HOME PROGRAM PHASE 5, GROUP 11B (68 WEST SIDE NON-HISTORIC CONDOMINIUM UNITS):

The Board is requested to award the contract.

RECOMMENDATION: Adopt Resolution No. 2011-____, awarding a contract to _____, for Quieter Home Program Phase 5, Group 11B (68 West Side Non-Historic Condominium Units).

(Facilities Development: Iraj Ghaemi, Director)

13. AWARD A CONTRACT TO _____, FOR QUIETER HOME PROGRAM PHASE 6, GROUP 2 (24 WEST SIDE AND 3 EAST SIDE, NON-HISTORIC, SINGLE FAMILY HOMES ON 26 RESIDENTIAL PROPERTIES):

The Board is requested to award the contract.

RECOMMENDATION: Adopt Resolution No. 2011-____, awarding a contract to _____, for Quieter Home Program Phase 6, Group 2 (24 West Side and 3 East Side, Non-Historic, Single Family Homes on 26 Residential Properties).

(Facilities Development: Iraj Ghaemi, Director)

14. AUTHORIZE SECOND AMENDMENT TO THE AGREEMENT WITH OCEAN BLUE ENVIRONMENTAL SERVICES:

The Board is requested to authorize the amendment.

RECOMMENDATION: Adopt Resolution No. 2011-____, authorizing the second amendment to the agreement with Ocean Blue Environmental Services for professional services of on-call hazardous waste management and emergency response services increasing the contract amount by \$200,000 for a total contract amount of \$ 3,380,000.

(Environmental: Paul Manasjan, Director)

PUBLIC HEARINGS:

OLD BUSINESS:

15. AWARD AND AUTHORIZE THE PRESIDENT/CEO TO EXECUTE AN AGREEMENT WITH STANDARD PARKING CORPORATION FOR PARKING MANAGEMENT SERVICES (CONTINUED FROM THE SEPTEMBER 1, 2011 MEETING):

The Board is requested to authorize the agreement.

RECOMMENDATION: Adopt Resolution No. 2011-____,

(Finance: Vernon Evans, Vice President/Treasurer)

NEW BUSINESS:

16. RENEWAL OF THE EMPLOYEE BENEFIT PROGRAM FOR 2012:

The Board is requested to approve the employee benefit program.

RECOMMENDATION: The Executive Personnel and Compensation Committee recommends that the Board adopt Resolution No. 2011-____, renewing the employee benefit program for 2012.

(Human Resources: Jeff Lindeman, Director)

17. AUTHORIZE STAFF TO PROCEED WITH THE ACTIONS NECESSARY TO ADJUST THE CUSTOMER FACILITY CHARGE (CFC) RATE; AUTHORIZE USE OF CFC FUNDS FOR DESIGN AND CONSTRUCTION SERVICES; AND INCREASE THE FY2012-FY2016 CAPITAL IMPROVEMENT PROGRAM BUDGET BY TWO HUNDRED SIXTY-FOUR MILLION DOLLARS (\$264,000,000) TO INCLUDE THE CONSOLIDATED RENTAL CAR FACILITY (CONRAC) DEVELOPMENT PROJECT:

The Board is requested to authorize the CONRAC development project.

RECOMMENDATIONS:

Adopt Resolution No. 2011-____, authorizing the use of Customer Facility Charge (CFC) funds consistent with eligibility requirements of California Civil Code 1936 for the design and construction of a consolidated rental car facility (CONRAC), and the design, construction, and operation of a common-use transportation system

Adopt Resolution No. 2011-____, authorizing staff to prepare and submit required documents to the State Controller's Office and take all necessary steps to seek implementation of an alternative Customer Facility Charge (CFC) collection rate allowable under the California Civil Code 1936 in an amount sufficient to fund the San Diego International Airport consolidated rental car facility

Adopt Resolution No. 2011-____, to include the CONRAC Development project in the FY2012-FY2016 Capital Improvement Program (CIP) and increase the current CIP budget of three hundred five million eight hundred eighty-two thousand three hundred ninety-three (\$305,882,393) by two hundred sixty-four million dollars (\$264,000,000) for a new FY2012-FY2016 CIP total budget of five hundred sixty-nine million eight hundred eighty-two thousand three hundred ninety-three dollars (\$569,882,393).

(Finance: Vernon Evans, Vice President/Treasurer)

CLOSED SESSION:

18. 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

19. 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.

**20. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION:
(GOVERNMENT 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).

**21. 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

**22. 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

23. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION:

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

24. 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]

25. 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

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

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 three (3) working days prior to the meeting to ensure availability.

For your convenience, the agenda is also available to you on our website at www.san.org.

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) 233-3004 or 511.

UPCOMING MEETING SCHEDULE				
<i>Date</i>	<i>Day</i>	<i>Time</i>	<i>Meeting Type</i>	<i>Location</i>
November 3	Thursday	9:00 A.M.	Regular	Board Room
December 1	Thursday	9:00 A.M.	Regular	Board Room
January 5	Thursday	9:00 A.M.	Regular	Board Room