

# SAN DIEGO COUNTY REGIONAL AIRPORT AUTHORITY



## BOARD MEMBERS

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

\* EX OFFICIO BOARD MEMBERS

PRESIDENT/CEO  
THELLA F. BOWENS

## **SPECIAL BOARD**

### **AGENDA**

Thursday, February 14, 2013  
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](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:**

**BOARD BUSINESS:**

- **ELECTION OF BOARD OFFICERS**

**ROLL CALL:**

**PRESENTATION:**

- A. FINANCIAL UPDATE FOR SIX MONTHS ENDED DECEMBER 31, 2012:**  
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: Gleason, Hollingworth, Hubbs, Smisek (Chair), Tartre, Van Sambeek
- **CAPITAL IMPROVEMENT PROGRAM OVERSIGHT COMMITTEE:**  
Committee Members: Boland (Chair), Gleason, Hubbs, Robinson
- **EXECUTIVE PERSONNEL AND COMPENSATION COMMITTEE:**  
Committee Members: Boland, Cox, Desmond (Chair), Smisek
- **FINANCE COMMITTEE:**  
Committee Members: Cox (Chair), Desmond, Robinson

***ADVISORY COMMITTEES***

- **AUTHORITY ADVISORY COMMITTEE:**
- **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 (Primary)
- **PORT:**  
Liaisons: Boland, Gleason (Primary), Smisek

## ***BOARD REPRESENTATIVES (EXTERNAL)***

- **SANDAG TRANSPORTATION COMMITTEE:**  
Representative: Smisek (Primary)
- **WORLD TRADE CENTER:**

## **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 1-14):**

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 January 10, 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 DECEMBER 10, 2012 THROUGH JANUARY 6, 2013 AND REAL PROPERTY AGREEMENTS GRANTED AND ACCEPTED FROM DECEMBER 10, 2012 THROUGH JANUARY 6, 2013:**

The Board is requested to receive the report.

RECOMMENDATION: Receive the report.

**(Procurement: Jana Vargas, Director)**

**4. FEBRUARY 2013 LEGISLATIVE REPORT:**

The Board is requested to approve the report.

RECOMMENDATION: Adopt Resolution No. 2013-0008, approving the February 2013 Legislative Report.

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

**5. APPOINTMENTS TO BOARD COMMITTEES, LIAISON POSITIONS, OTHER REPRESENTATIVE AND ALTERNATE POSITIONS:**

The Board is requested to make appointments.

RECOMMENDATION: Adopt Resolution No. 2013-0009, making appointments to Board committees, liaison positions, the SANDAG Transportation Committee, and the World Trade Center Board.

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

## ***CLAIMS***

- 6. AUTHORIZE THE REJECTION OF THE CLAIM OF BRIDGIT LEE:**  
The Board is requested to reject the claim.  
RECOMMENDATION: Adopt Resolution No. 2013-0010, authorizing the rejection of the claim of Bridgit Lee.  
**(Legal: Breton Lobner, General Counsel)**
- 7. AUTHORIZE THE REJECTION OF THE CLAIM OF JEFF PURVIS:**  
The Board is requested to reject the claim.  
RECOMMENDATION: Adopt Resolution No. 2013-0011, authorizing the rejection of the claim of Jeff Purvis.  
**(Legal: Breton Lobner, General Counsel)**
- 8. AUTHORIZE THE REJECTION OF THE CLAIM OF JUDY MOHNEY:**  
The Board is requested to reject the claim.  
RECOMMENDATION: Adopt Resolution No. 2013-0012, authorizing the rejection of the claim of Judy Mohney.  
**(Legal: Breton Lobner, General Counsel)**
- 9. AUTHORIZE THE APPROVAL OF THE APPLICATION FOR LEAVE TO PRESENT A LATE CLAIM OF KAREN BABESHOFF:**  
The Board is requested to approve the application for leave to present a late claim.  
RECOMMENDATION: Adopt Resolution No. 2013-0013, authorizing the approval of the "Application for Leave to Present a Late Claim" of Karen Babeshoff.  
**(Legal: Breton Lobner, General Counsel)**
- 10. AUTHORIZE THE REJECTION OF THE CLAIM OF KAREN BABESHOFF:**  
The Board is requested to reject the claim.  
RECOMMENDATION: Adopt Resolution No. 2013-0014, authorizing the rejection of the claim of Karen Babeshoff.  
**(Legal: Breton Lobner, General Counsel)**

## ***COMMITTEE RECOMMENDATIONS***

- 11. AWARD AND AUTHORIZE THE PRESIDENT/CEO TO EXECUTE A CONTRACT WITH MIKI IWASAKI DBA MI-WORKSHOP TO DESIGN INTEGRATED ARTWORK FOR SAN DIEGO INTERNATIONAL AIRPORT:**  
The Board is requested to authorize a contract.  
RECOMMENDATION: The Art Advisory Committee recommends that the Board adopt Resolution No. 2013-0015, awarding Miki Iwasaki DBA Mi-Workshop the commission for the Terminal 1 Food Court Public Art Opportunity in an amount not to exceed \$110,000.  
**(Marketing & Public Relations: Constance White, Art Program Manager)**

**12. REVIEW OF THE UNAUDITED FINANCIAL STATEMENTS FOR THE SIX MONTHS ENDED DECEMBER 31, 2012:**

The Board is requested to accept the report.

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

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

**13. REVIEW OF THE AUTHORITY'S INVESTMENT REPORT AS OF DECEMBER 31, 2012:**

The Board is requested to accept the report.

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

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

***CONTRACTS AND AGREEMENTS***

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

**14. APPROVE AND AUTHORIZE THE PRESIDENT/CEO TO EXECUTE A RUNWAY RUBBER REMOVAL SERVICES AGREEMENT:**

The Board is requested to authorize an agreement.

RECOMMENDATION: Adopt Resolution No. 2013-0016, approving and authorizing the President/CEO to execute an agreement with Abhe & Svoboda, Inc., 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 \$1,524,500, to provide runway rubber removal services, at San Diego International Airport.

**(Development: Bryan Enarson, Vice President)**

**PUBLIC HEARINGS:**

**OLD BUSINESS:**

**NEW BUSINESS:**

**15. APPROVE AND AUTHORIZE THE PRESIDENT/CEO TO EXECUTE AND NEGOTIATE A SITE LEASE AGREEMENT; AND SOLAR POWER PURCHASE AGREEMENT TO FINANCE, DESIGN, INSTALL, OPERATE, AND MAINTAIN THE SOLAR PHOTOVOLTAIC GENERATING SYSTEM WITH GRID SOLAR, LLC, AT SAN DIEGO INTERNATIONAL AIRPORT:**

The Board is requested to grant a site lease.

RECOMMENDATION: Adopt Resolution No. 2013-0017, approving and authorizing the President/CEO to: (1) execute a site lease agreement with GRID Solar, LLC, for the development and installation of a Solar Photovoltaic (PV) Generating System for a maximum term of 20 years; and (2) negotiate and execute a solar power purchase agreement with GRID Solar, LLC, to finance, design, install, operate, and maintain the solar PV generating system for an amount not-to-exceed \$13,356,084.00 and a maximum term limit of 20 years, at San Diego International Airport.

**(Development: Bryan Enarson, Vice President)**

**16. CALENDAR FOR FISCAL YEAR 2014 AND FISCAL YEAR 2015 BUDGETS:**

The Board is requested to receive the report.

RECOMMENDATION: Receive the report.

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

**17. 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:**

**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 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
- 21. 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
- 22. 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
- 23. 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
- 24. 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



- 25. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION:**  
Initiation of litigation pursuant to subdivision (c) of §54956.9: (1 case)
- 26. 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]
- 27. 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
- 28. 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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**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, 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](http://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>
March 7	Thursday	9:00 a.m.	Regular	Board Room
April 4	Thursday	9:00 a.m.	Regular	Board Room

STATE OF CALIFORNIA )  
COUNTY OF SAN DIEGO )  
SAN DIEGO COUNTY REGIONAL AIRPORT AUTHORITY )

I, Sara Real, Assistant Authority Clerk I, San Diego County Regional Airport Authority, hereby certify that at the hour of 8:30 a.m. I caused the posting of this notice on the bulletin board located on the first floor of the San Diego International Airport, Commuter Terminal.

DATE: 2/8/13

SIGNATURE: Sara B. Real