

SAN DIEGO COUNTY REGIONAL AIRPORT AUTHORITY



BOARD MEMBERS

BRUCE R. BOLAND
JIM DESMOND
RAMONA FINNILA*
ROBERT H. GLEASON
JIM PANKNIN
TOM SMISEK
ROBERT J. WATKINS*
ANTHONY K. YOUNG*

* EXECUTIVE COMMITTEE

EX OFFICIO
BOARD MEMBERS

ROBERT PIEPLOW
COL. FRANK A. RICHIE
THOMAS L. SHEEHY

PRESIDENT/CEO
HELLA F. BOWENS

BOARD AGENDA

Thursday, November 5, 2009
9:00 A.M.

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

***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:

REPORT FROM CITIZEN COMMITTEE:

- **AIRPORT ADVISORY COMMITTEE:**
Richard Beach, First Vice Chair, Airport Advisory Committee

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 October 1, 2009 Board meeting, the October 7 and 8, 2009 Special Board meetings.

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. APPOINTMENTS TO THE AIRPORT ADVISORY COMMITTEE:

The Board is requested to approve appointments.

RECOMMENDATION: Adopt Resolution No. 2009-0133, approving the appointments of Brian Trotier and JoAnne Golden as members to the Airport Advisory Committee.

(Noise: Dan Frazee, Director)

4. NOVEMBER 2009 LEGISLATIVE REPORT:

The Board is requested to approve the report.

RECOMMENDATION: Adopt Resolution No. 2009-0134, approving the November 2009 Legislative Report.

(Inter-Governmental Relations: Michael Kulis, Director)

CLAIMS

5. AUTHORIZE THE REJECTION OF THE CLAIM OF WAWANESA INSURANCE CO.:

The Board is requested to reject the claim.

RECOMMENDATION: Adopt Resolution No. 2009-0135, authorizing the rejection of the claim of Wawanesa Insurance Co..

(Legal: Bret Lobner, General Counsel)

6. AUTHORIZE THE REJECTION OF THE APPLICATION FOR LEAVE TO PRESENT A LATE CLAIM OF SHABANA KHOKHAR:

The Board is requested to authorize the rejection of the application.

RECOMMENDATION: Adopt Resolution No. 2009-0136, authorizing the rejection of the application for leave to present a late claim of Shabana Khokhar.

(Legal: Bret Lobner, General Counsel)

COMMITTEE RECOMMENDATIONS

7. ACCEPTANCE OF THE PROPOSED 2010 MASTER CALENDAR OF BOARD AND COMMITTEE MEETINGS:

The Board is requested to accept the 2010 Master Calendar.

RECOMMENDATION: The Executive Committee recommends that this item be forwarded to the Board for consideration and acceptance.

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

CONTRACTS AND AGREEMENTS

8. AWARDED CONTRACTS, APPROVED CHANGE ORDERS FROM SEPTEMBER 7, 2009 THROUGH OCTOBER 11, 2009 AND REAL PROPERTY AGREEMENTS GRANTED AND ACCEPTED FROM SEPTEMBER 7, 2009 THROUGH OCTOBER 11, 2009:

The Board is requested to receive the report.

RECOMMENDATION: Accept the report.

(Procurement: Jana Vargas, Director)

9. EXTEND THE TERM OF THE CONTRACT AND INCREASE THE NUMBER OF OPTIONS TO EXTEND THE TERM OF THE PROFESSIONAL LEGAL SERVICES CONTRACT WITH DANNING, GILL, DIAMOND & KOLLITZ, LLP:

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

RECOMMENDATION: Adopt Resolution No. 2009-0137, authorizing (1) the exercise of the first option to extend the term of Contract No. 206728OS between the Authority and Danning, Gill, Diamond & Kollitz, LLP for professional legal services for one year to expire no later than December 31, 2010; (2) the Amendment of the Contract to increase by two the number of options available to the Authority; and (3) the President/CEO to exercise one or more of the options to extend the term of the contract.

(Legal: Breton Lobner, General Counsel)

10. AUTHORIZE THE AMENDMENT TO THE AGREEMENT BETWEEN THE AUTHORITY AND ALSTON & BIRD, LLP:

The Board is requested to authorize the amendment.

RECOMMENDATION: Adopt Resolution No. 2009-0138, authorizing the Twelfth Amendment to the Agreement for Professional Legal Services between the Authority and Alston & Bird, LLP extending the term of the Agreement by one year to expire no later than November 21, 2010, and increasing the amount of compensation by \$100,000 for a not to exceed amount of \$2,250,000.

(Legal: Breton Lobner, General Counsel)

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

11. AWARD A CONTRACT TO S&L SPECIALTY CONTRACTING, INC., FOR QUIETER HOME PROGRAM PHASE 5, GROUP 1 (25 HISTORIC EAST SIDE SINGLE-FAMILY AND APARTMENT UNITS AND 28 HISTORIC WEST SIDE SINGLE-FAMILY UNITS):

The Board is requested to award the contract.

RECOMMENDATION: Adopt Resolution No. 2009-0139, awarding a contract to S&L Specialty Contracting, Inc., in the amount of \$2,327,550, for Phase 5, Group 1, Project No. 380501, of the San Diego County Regional Airport Authority's Quieter Home Program.

(Facilities Development: Iraj Ghaemi, Director)

12. AUTHORIZE THE PRESIDENT/CEO TO AWARD AN ON-CALL SURVEYING AND CIVIL ENGINEERING CONSULTANT SERVICE AGREEMENT TO NOLTE ASSOCIATES, INC.:

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

RECOMMENDATION: Adopt Resolution No. 2009-0140, authorizing the President/CEO to award an On-Call Surveying and Civil Engineering Consultant Service Agreement to Nolte Associates, Inc., for a three year term and a not-to-exceed amount of \$2,500,000, in support of the Capital Improvement and Major Maintenance Programs at San Diego International Airport, and to support the San Diego County Regional Airport Authority's mapping and surveying needs.

(Facilities Development: Iraj Ghaemi, Director)

PUBLIC HEARINGS:

OLD BUSINESS:

NEW BUSINESS:

13. AMENDMENT TO POLICY 5.12, SMALL BUSINESS PREFERENCE:

The Board is requested to amend the policy.

RECOMMENDATION: Adopt Resolution No. 2009-0141, amending Policy 5.12 Small Business Preference, to allow for a 5 % small business preference on selected procurement opportunities.

(Small Business Development: Bob Silvas, Director)

14. 2ND GENERATION RETIREE HEALTHCARE PLAN STATUS UPDATE:

The Board is requested to receive the report.

RECOMMENDATION: Accept the report.

(Human Resources: Jeff Lindeman, Director)

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

STANDING BOARD COMMITTEES

- **AUDIT COMMITTEE:**
Committee Members: Finnila, Smisek (Chair), Watkins, Young, Tartre, Buck, Van Sambeek
- **EXECUTIVE PERSONNEL AND COMPENSATION COMMITTEE:**
Committee Members: Boland, Desmond, Watkins (Chair)
- **FINANCE COMMITTEE:**
Committee Members: Gleason (Chair), Panknin, Finnila (Alternate), Sheehy (Ex-Officio), Watkins, Young
- **TERMINAL DEVELOPMENT PROGRAM COMMITTEE:**
Committee Members: Boland (Chair), Finnila, Panknin, Sheehy (Ex-Officio)

AD HOC COMMITTEE

- **RASP/AMAP AD HOC COMMITTEE:**
Representatives: Desmond, Finnila (Chair), Boland, Panknin
- **PORT DISTRICT AD HOC COMMITTEE:**
Representatives: Boland, Smisek, Watkins

LIAISONS

- **MILITARY AFFAIRS LIAISONS:**
Liaisons: Boland (Primary), Panknin
- **CALTRANS:**
Representative: Pieplow

BOARD REPRESENTATIVES

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

CLOSED SESSION:

- 15. 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
- 16. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION:**
Initiation of litigation pursuant to Cal. Gov. Code §54956.9(c).
Number of potential cases: 1 (Nazbest-Pacific).
- 17. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION:**
Initiation of litigation pursuant to Cal. Gov. Code §54956.9(c).
Number of potential cases: 1 (Galaxy).
- 18. 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)
- 19. CONFERENCE WITH REAL PROPERTY NEGOTIATORS:**
Real Property Negotiations pursuant to Cal. Gov. Code sections 54954.5(b) and section 54956.8.
Property: 1.15 acre parcel located at the northern terminus of 13th Street in Imperial Beach
Agency Negotiators: Vernon D. Evans, Vice President, Finance/Treasurer
under Negotiation: Sale – Terms of Payment and Conditions
- 20. CONFERENCE WITH REAL PROPERTY NEGOTIATORS:**
Real property negotiations pursuant to Cal. Gov. Code sections 54954.5(b) and section 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 LABOR NEGOTIATORS:**
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

**22. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
(Government Code 54956.9(a)):**
San Diego County Regional Airport Authority v. Gibson/ Kent
San Diego County Superior Court Case No. 37-2009-00004949-SC-SC-CTL

23. CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION
Pursuant to Government Code section 54956.9(a):
Borsboom v. San Diego County Regional Airport Authority, San Diego Superior
Court Case No. 37-2009-00087627-CU-WT-CTL

24. CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION
Pursuant to Government Code section 54956.9(a):
Save Our Heritage Organization v. San Diego Unified Port District, et al., San
Diego Superior Court Case No. 37-2009-00097828-CU-TT-CTL

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.

PRESIDENT/CEO REPORT:

GENERAL COUNSEL REPORT:

BOARD MEMBER REPORTS ON MEETINGS ATTENDED AT THE EXPENSE OF THE AUTHORITY:

BOARD MEMBER 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 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) 427-6438.

UPCOMING MEETING SCHEDULE				
<i>Date</i>	<i>Day</i>	<i>Time</i>	<i>Meeting Type</i>	<i>Location</i>
December 3	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 2:45 p.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: 10/30/09

SIGNATURE: Sara A. Real