

**SAN DIEGO COUNTY REGIONAL AIRPORT AUTHORITY BOARD
MINUTES
THURSDAY, OCTOBER 2, 2014
SAN DIEGO INTERNATIONAL AIRPORT
BOARD ROOM**

CALL TO ORDER: Chair Gleason called the regular meeting of the San Diego County Regional Airport Authority Board to order at 9:04 a.m. on Thursday, October 2, 2014, in the Board Room at the San Diego International Airport, Commuter Terminal, 3225 North Harbor Drive, San Diego, CA 92101.

PLEDGE OF ALLEGIANCE: Board Member Hubbs led the Pledge of Allegiance.

ROLL CALL:

PRESENT: Board Members: Alvarez, Desmond, Farnam (Ex Officio), Gleason, Hubbs, Robinson, Smisek

ABSENT: Board Members: Berman (Ex Officio), Cox, Ortega (Ex Officio), Sessom

ALSO PRESENT: Thella F. Bowens, President/CEO; Breton K. Lobner, General Counsel; Tony R. Russell, Director, Corporate and Information Governance/Authority Clerk; Lorraine Bennett, Assistant Authority Clerk II

Board Member Alvarez arrived during the course of the meeting.

PRESENTATIONS:

**A. RECOGNITION OF PRESIDENT'S AWARD OF EXCELLENCE WINNER
EMPLOYEE OF THE YEAR AND TEAM OF THE YEAR:**

Thella F. Bowens, President/CEO, recognized Gary Couture as the Authority's Employee of the Year, and the Leading at all Levels team as Team of the Year. The team members were Vatana Kang, Cindy Lewis, and Diann Wilson.

**B. PRESENTATION OF THE ACHIEVEMENT OF EXCELLENCE IN
PROCUREMENT AWARD:**

Scott Brickner, Vice President, Finance & Asset Management/Treasurer, recognized the Procurement Department for receiving the National Procurement Institute Achievement of Excellence in Procurement Award for 2014.

Board Member Alvarez arrived at 9:15 a.m.

Chair Gleason announced that Non-Agenda Public Comment would be heard at this time.

NON-AGENDA PUBLIC COMMENT:

GLENN MEYERS, SAN FRANCISCO, owner of High Flying Foods (HFF), spoke regarding their concession operations, and stated that they are currently in contract negotiations with Unite Here, Local 30 to resolve issues and to reach an agreement in a timely fashion.

KEVIN WESTLYE, LAFAYETTE, CA, President/CEO, HFF, provided an overview of their employee benefits, and stated that they will stay at the table to reach a fair contract that is good for its employees.

JUAN J. VELASQUEZ, SAN DIEGO, spoke in support of HFF, stating that HFF supports its employees.

JUSTIN BISCOTTI, SAN DIEGO, spoke in support of HFF, stating that it is a good place to work.

BRIANNA GEORGE, NATIONAL CITY, spoke in support of HFF and stated that they provide their employees a friendly and stress-free environment.

GEORGE STUCK, SAN DIEGO, spoke in support of HFF and stated that they train their employees well, and that management is approachable.

EMILY WALKER, EL CAJON, spoke in support of HFF and stated that they provide their employees with competitive pay and opportunities for advancement.

DONNA CHANTHALANGSY, SAN DIEGO, spoke in support of HFF.

BLAKE WILLIAMS, SAN DIEGO, spoke in support of HFF and stated that they treat their employees fairly.

RABBI LAURIE, SAN DIEGO, representing Interfaith Center for Worker Justice spoke in support of a fair contract for the Unite Here Local 30 employees.

MICHELLE GUITTEREZ, SAN DIEGO, representing Unite Here, Local 30, distributed a handout and stated that HFF has violated the law regarding discriminatory terminations and discipline of some of its employees. She also stated that SSP America is not moving forward with its contract negotiations.

MARTIN DUARTE, SAN DIEGO, Unite Here, Local 30, stated that he has received unfair treatment and discrimination by HFF since working with the Union.

KISHA, SAN DIEGO, Unite Here, Local 30, stated that SSP America does not provide its employees adequate wages, benefits and job security.

Board Member Alvarez urged all parties to work together to resolve their issues.

Chair Gleason requested that staff provide a comprehensive report on the status of HFF and SSP America issues, and to ensure that the Authority is upholding its commitments made in the SSP America and HFF Request for Proposals.

Chair Gleason announced that the Consent Agenda would be heard at this time.

CONSENT AGENDA (Items 1-15):

Chair Gleason requested that Items 14 and 15 be pulled from the Consent Agenda for discussion.

ACTION: Moved by Board Member Robinson and seconded by Board Member Smisek to approve the Consent Agenda as amended. Motion carried by the following vote: YES – Alvarez, Desmond, Gleason, Hubbs, Robinson, Smisek; NO – None; ABSENT – Cox, Sessom. (Weighted Vote Points: YES – 71; NO – 0; ABSENT - 16).

1. **APPROVAL OF MINUTES:**
RECOMMENDATION: Approve the minutes of the September 4, 2014 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:**
RECOMMENDATION: Accept the reports and pre-approve Board member attendance at other meetings, trainings and events not covered by the current resolution.
3. **AWARDED CONTRACTS, APPROVED CHANGE ORDERS FROM AUGUST 11, 2014, THROUGH SEPTEMBER 7, 2014, AND REAL PROPERTY AGREEMENTS GRANTED AND ACCEPTED FROM AUGUST 11, 2014, THROUGH SEPTEMBER 7, 2014:**
RECOMMENDATION: Receive the report.
4. **OCTOBER 2014 LEGISLATIVE REPORT:**
RECOMMENDATION: Adopt Resolution No. 2014-0112, approving the October 2014 Legislative Report.

5. **GRANT AN EASEMENT FOR ELECTRICAL SERVICES TO SAN DIEGO GAS & ELECTRIC:**
RECOMMENDATION: Adopt Resolution No. 2014-0098, authorizing the President/CEO to negotiate and execute an electrical easement with San Diego Gas & Electric in support of the Terminal Link Road project.
6. **GRANT TWO EASEMENTS FOR ELECTRICAL AND PUBLIC STREET PURPOSES TO THE CITY OF SAN DIEGO:**
RECOMMENDATION: Adopt Resolution No. 2014-0099, authorizing the President/CEO to negotiate and execute two easements with the City of San Diego, one for an electrical easement, and one for public street purposes, in support of the Terminal Link Road project.
7. **APPOINTMENT OF AUTHORITY ADVISORY COMMITTEE MEMBERS:**
RECOMMENDATION: Adopt Resolution No. 2014-0113, approving appointments to the Authority Advisory Committee.

CLAIMS

8. **REJECT THE CLAIM OF NANCY LE ALCALA:**
RECOMMENDATION: Adopt Resolution No. 2014-0100, rejecting the claim of Nancy Le Alcala.
9. **REJECT THE CLAIM OF ALEXANDRA TARANTINO:**
RECOMMENDATION: Adopt Resolution No. 2014-0101, rejecting the claim of Alexandra Tarantino.
10. **REJECT THE CLAIM OF JOSEFINA MARTINEZ:**
RECOMMENDATION: Adopt Resolution No. 2014-0102, rejecting the claim of Josefina Martinez.

COMMITTEE RECOMMENDATIONS

CONTRACTS AND AGREEMENTS

11. **AUTHORIZE THE PRESIDENT/CEO TO EXECUTE A CHANGE ORDER TO EXTEND THE TIME FOR COMPLETION UP TO 145 CALENDAR DAYS FOR PROJECT NO. 104118, NORTH SIDE INTERIOR ROAD AND UTILITIES PROJECT, AT SAN DIEGO INTERNATIONAL AIRPORT:**
RECOMMENDATION: Adopt Resolution No. 2014-0103, authorizing the President/CEO to execute a Change Order to extend the time for completion up to 145 calendar days for Project No. 104118, North Side Interior Road and Utilities Project, at San Diego International Airport.

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

12. **AWARD A CONTRACT TO G&G SPECIALTY CONTRACTORS, INC., FOR QUIETER HOME PROGRAM PHASE 8, GROUP 1, PROJECT NO. 380801 (20 HISTORIC AND NON-HISTORIC SINGLE AND MULTI-FAMILY UNITS ON 7 RESIDENTIAL PROPERTIES AND 17 NON-HISTORIC DWELLING UNITS IN TWO CONDOMINIUM BUILDINGS LOCATED EAST AND WEST OF THE AIRPORT):**

RECOMMENDATION: Adopt Resolution No. 2014-0104, awarding a contract to G&G Specialty Contractors, Inc., in the amount of \$1,454,882, for Phase 8, Group 1, Project No. 380801, of the San Diego County Regional Airport Authority's ("Authority's") Quieter Home Program.

13. **AUTHORIZE THE PRESIDENT/CEO TO NEGOTIATE AND AWARD AN AGREEMENT WITH VELOCITY TECHNOLOGY SOLUTIONS, INC., TO PROVIDE MANAGED HOSTING SERVICES FOR THE ORACLE JD EDWARDS ENTERPRISEONE SOFTWARE SYSTEM:**

RECOMMENDATION: Adopt Resolution No. 2014-0105, authorizing the President/CEO to negotiate and award a Managed Hosting Service Agreement with Velocity Technology Solutions, Inc., for a term of five years in an amount not-to-exceed \$1,800,000, to host and manage Oracle JD Edwards EnterpriseOne software and associated applications.

The Board recessed at 9:38 a.m. and reconvened at 9:40 a.m.

PRESENTATIONS, CONTINUED

- C. **PRESENTATION BY RENTAL CAR CENTER PUBLIC ARTISTS, AMY LANDESBURG AND CHRISTIAN MOELLER:**

Amy Landesberg, and Jay Yan, representing Christian Moeller, presented their renderings of the proposed artwork for the Rental Car Center.

The Board recessed at 9:54 a.m. and reconvened at 10:00 a.m.

Chair Gleason announced that Item 16 would be heard at this time.

NEW BUSINESS:

Chair Gleason disclosed ex-parte communications with Chris Massy, representing Lyft, Adrian Kwiatkowski, representing Transportation Alliance Group (TAG), Richard Ledford, representing Prime Time Shuttle, various representatives from SuperShuttle, including Xema Jacobson, John Hawkins, and Mike Forbush, and Sally Kay and Christopher Ballard, representing Uber.

Board Member Desmond disclosed ex-parte communications with Xema Jacobson, Mike Forbush, John Hawkins, representing Super Shuttle, Richard Ledford, representing Prime Time, and Adrian Kwiatkowski, representing SDCASA.

Board Member Alvarez disclosed ex-parte communications with various SuperShuttle representatives, Richard Ledford, representing Prime Time Shuttle, and representatives from Uber and the taxi industry.

Board Member Robinson disclosed ex-parte communications with SuperShuttle representatives, Adrian Kwiatkowski, Richard Ledford, and representatives from Uber.

Board Member Hubbs disclosed ex-parte communications with Mike Forbush, John Hawkins, and Xema Jacobson, representing SuperShuttle.

16. REVIEW AND ACCEPTANCE OF (1) MODIFICATIONS TO THE VEHICLE CONVERSION INCENTIVE-BASED PROGRAM; (2) TRANSPORTATION NETWORK COMPANY (TNC) PERMIT CRITERIA; (3) TAXICAB AND VEHICLE FOR HIRE (VFH) MEMORANDUM OF AGREEMENT (MOA) – REQUIREMENTS, RESPONSIBILITIES AND CONSEQUENCES; AND (4) AN UPDATE ON OTHER GROUND TRANSPORTATION ISSUES:

Angela Shafer-Payne, Vice President, Operations, stated that staff is withdrawing its recommendation and resolution regarding TNC's, but would still like to discuss the issue with the Board today. She explained that Staff would like to see how other Airports address establishing Transportation Network Company's (TNC) permit criteria, before proceeding with executing permits for TNC's at San Diego International Airport.

David Boenitz, Director, Ground Transportation, and Michael Sears, Director, Financial Management, provided a presentation on Ground Transportation, which included, a Ground Transportation Projects Update; Financial and Ground Transportation topics, including a recommendation for Taxi and Shuttle Dispatch Staffing and Operations, Limousine and Charter Vehicle Conversion Exemption, Ground Transportation Grants and Financing Opportunities, Commercial Vehicle Conversion Incentive Programs, and Airport Ground Transportation Access Fees; Transportation Network Company Permit Applications Requirements and Criteria; Airport Taxicab and Vehicle for Hire Memorandum of Agreement – Requirements, Responsibilities and Consequences.

Board Member Alvarez stated that the behavior of taxi and shuttle drivers should be addressed by establishing consequences and placing an ATO on the transportation island to enforce the rules.

In response to Board Member Alvarez regarding why a customer service representative is needed curbside to assist the public with transportation options, rather than using technologies such as an App, or an Airport Kiosk for users, Ms. Shafer-Payne stated that it is staff's intent to incorporate these technologies in the upgrades to the Memorandums of Understanding (MOA's) with the various groups.

Board Member Desmond suggested using an Airport Traffic Officer to monitor activity on the transportation islands, split up the Customer Service Representatives (CSR's), and equip them with the necessary technology to provide efficient customer service.

Board Member Desmond requested that staff provide information about the proposed location and operation of the hold lot to accommodate TNC shuttles, when the issue is brought back to the Board.

Board Member Hubbs suggested that California Public Utilities Commission (CPUC) permits be required for TNC operators. He also requested staff to look at eliminating duplicative requirements between the CPUC and the Authority.

In response to Chair Gleason regarding how the Authority will set and enforce the standards in the MOA, Thella Bowens, President/CEO, stated that staff is currently in the process of upgrading the Automated Vehicle Identification (AVI) System and other technologies, and will begin collecting data and start imposing fines at the beginning of Fiscal Year 2016.

CARELYN REYNOLDS, SAN DIEGO, representing the Transportation Alliance Group, San Diego (TAG), spoke in support of staff's recommendations, and urged a moratorium on TNC operators.

JIM SIMON, SAN DIEGO, expressed his concern about the lack of a level playing field regarding TNC operators at the Airport, and that a loop feed would result in longer wait times for customers.

ROBERT MILLER, ESCONDIDO, stated that the proposed loop fees would create a financial hardship for his business. He stated that having an independent CSR would not work for the Airport.

SANDOR VITOK, SAN DIEGO, stated that he did not see the benefits of having a single CSR, and that the proposed loop charge would put him out of business.

OSCAR MARIN, NATIONAL CITY, spoke in support of retaining CSR's at the Airport, and in opposition to the proposed new alternative fuel vehicle rules.

MIKE FORBUSH, suggested looking at what would be best for the travelling public, and to provide assistance with ATO supervision on the curb and shuttle islands.

ADRIAN KWIATKOWSKI, SAN DIEGO, representing the Transportation Alliance Group, San Diego (TAG), provided a presentation, which included Airport Staff Proposals, and TAG – Proposed and Adopted Ground Transportation Permit and Trip Fees.

STEVE BURTON, SAN DIEGO, spoke in opposition to Staff's recommendation.

KARAN MODY, SAN DIEGO, representing Prime Time Shuttle, spoke in support of staff's recommendation for Option #5.

TONY HUESO, representing San Diego Transportation Association and TAG, stated that there needs to be a level playing field for all ground transportation operators. He spoke in support of staff's recommendation.

BRANDON COUCHER, SAN DIEGO, representing BB&T Insurance Services, spoke regarding the lack of insurance coverage for TNC operators.

AMY NELSON, SAN DIEGO, representing BB&T Insurance, stated that there are few insurance carriers for TNC vehicles.

KAMRAN HAMIDI, SAN DIEGO, provided a handout and suggested restrictions on TNC operators at the Airport during the pilot program.

XEMA JACOBSON, SPRING VALLEY, representing SuperShuttle, suggested maintaining the CSR's as is, and adding an ATO during peak times to enforce the rules.

MICHEL ANDERSON, SAN DIEGO, San Diego Transportation Association, spoke regarding insurance requirements for TNC's and regulations for their operations.

CHRISTOPHER BALLARD, SAN DIEGO, General Manager, Uber San Diego, distributed a handout and spoke in opposition to recommendations related to permit criteria for TNC's, which included permit caps, insurance requirements, and vehicle transponders.

JOHN HAWKINS, SAN DIEGO, spoke in support of having additional ATO's on the transportation islands.

LISA MCGHEE, SAN DIEGO, provided a presentation on the current Annual Permit Fee facts for the Off Airport Parking Operator.

FILMON SEMERE, LA MESA, spoke in opposition to TNC operators at the Airport.

FANAIDON BUSTANI, LA MESA, spoke regarding the impact TNC's will have on the taxi operations at the Airport.

SALLY KAY, SAN FRANCISCO, representing Uber, clarified the insurance coverage for TNC's.

The Board recessed at 12:16 p.m. and reconvened at 12:23 p.m.

RECOMMENDATION: Adopt Resolution No. 2014-0108, revising Resolution No. 2009-0150R to exempt limousines, livery vehicles and charter party carriers (TCP licensed only) from all Airport clean air vehicle conversion objectives, plans, incentives and requirements.

ACTION: Moved by Board Member Hubbs and seconded by Board Member Smisek to approve staff's recommendation. Motion carried by the following vote: YES – Alvarez, Desmond, Gleason, Hubbs, Robinson, Smisek; NO – None; ABSENT – Cox, Sessom. (Weighted Vote Points: YES – 71; NO – 0; ABSENT - 16).

Adopt Resolution No. 2014-0109, (1) approving modifications to the Vehicle Conversion Incentive-Based Program related to alternative fuel vehicle incentives, and (2) adopting a cost recovery fee for Fiscal Year 2015 for Transportation Network Company vehicles.

Chair Gleason noted staff's earlier request to remove the portion of the resolution dealing with the TNC's and the cost recovery application to the TNC's.

Board Member Alvarez stated that he was not comfortable making a decision on this issue because the Board does not have the projected revenue from the permit fee.

Thella Bowens, President/CEO requested that staff provide an update on new Legislation that provides additional incentive programs. She clarified that the original conversions were not Airport funded.

Mike Kulis, Director, Inter-Governmental Relations, stated that recent passage of Senate Bill 1204 would create the California Clean Truck, Bus, and Off-Road Vehicle and Equipment Technology Program, to be funded from cap and trade revenues, to fund zero- and near-zero emission truck, bus, and off-road vehicle and equipment technologies and related projects, as specified, with priority to be given to certain projects, including projects that benefit disadvantaged communities. The program would be administered by the state board, in conjunction with the State Energy Resources Conservation and Development Commission, and will be implemented January 1, 2015.

Board Member Robinson requested that staff provide an analysis of Senate Bill 1204, and to see if it covers the types of vehicles that serve the Airport.

In response to Chair Gleason, regarding whether from the inception of this program, the Authority has done nothing but improve the discounts being offered in terms of a percentage for converted vehicles, and, that it has not decreased the available incentives for conversion, Ms. Shafer-Payne responded affirmatively.

ACTION: Moved by Board Member Desmond and seconded by Board Member Robinson to approve staff's recommendation as amended, suspending the current incentive program, as indicated in Attachment A, and approving the new incentive program as presented by staff in Exhibit C, while reserving the right to re-instate the current incentive program in the future, and excluding Transportation Network Companies from the program. Motion carried by the following vote: YES – Desmond, Gleason, Hubbs, Robinson, Smisek; NO – Alvarez; ABSENT – Cox, Sessom. (Weighted Vote Points: YES – 58; NO – 13; ABSENT - 16).

Adopt Resolution No. 2014-0110, approving the Transportation Network Company (TNC) Permit Criteria and directing staff to proceed with the issuance of the Airport's TNC Vehicle and Driver permits commencing January 1, 2015.

Board Member Smisek stated that the rates should be fair for everyone. He stated that TNC's should have to comply with the same rules as other appropriate transportation providers.

Board Member Hubbs expressed concerns about enforcement for TNC's. He suggested that CPUC permits should be required, and to eliminate any duplication between the CPUC and the Authority requirements.

Board Member Desmond re-iterated that all operators at the Airport be treated fairly.

ACTION: No action taken.

Adopt Resolution No. 2014-0111, approving (1) the Taxicab and Vehicle for Hire Memorandum of Agreement (MOA) requirements, responsibilities and consequences, and (2) directing staff to proceed with the issuance of the newly revised Airport MOA's commencing November 1, 2014.

Board Member Alvarez suggested adding an ATO during peak hours of operation, re-negotiating the ACE contract to provide adequate service for the Airport, and as part of the MOU's, ensure that there are teeth to enforce appropriate penalties for violations.

Board Member Robinson suggested adding an ATO during peak hours of operation, and directed staff to provide an analysis of costs for a full-time ATO, and to revisit the ACE contract only if implementation of an ATO does not solve the CSR problem.

Bret Lobner, General Counsel, provided clarification regarding the ACE Contract and the various options that are available to the Authority, on how to proceed with the CSR program. He stated that the Authority has the right to adjust the need for CSR's.

Board Member Desmond suggested adding an ATO to the transportation island, and to update the ACE CSR program to incorporate a higher level of customer service and better use of technology.

Thella Bowens, President/CEO stated that it is the Authority's responsibility to set the standard for CSR performance and to enforce the standards.

Chair Gleason requested that moving forward, staff ensure that the requirements are put in place before the MOA's start, which includes having standardized credit card readers in place, and that the wait time availability requirements and penalties have been determined.

Board Member Alvarez suggested that operators provide their own CSR's, to place an ATO on the transportation island during peak operating hours, and the implementation of a common kiosk technology component.

Board Member Desmond suggested that operators hire their own CSR's, and to provide technology so that fares are negotiated by the CSR. He also suggested adding an ATO to the transportation island, and to ensure that the technology upgrade is date certain.

In response to Board Member Robinson regarding proposed revisions to the MOA's, Ms. Bowens directed staff to prepare and provide an outline of the criteria and standards of the MOA's to the Board.

ACTION: Moved by Board Member Alvarez and seconded by Board Member Robinson to accept staff's recommendation as amended, to include in the Memorandums of Agreement (MOA) technology for a computerized reservations system necessary to implement an information kiosk and a standardized system for credit cards; to have standards and penalties for taxi availability and wait times in place at the start of the new MOA's; and language that will increase customer service to the levels the Authority is trying to achieve. In regards to taxi and vehicle for hire CSR's staffing and dispatch operations, also included in the motion, was direction that an Airport Traffic Officer be stationed on the Transportation Islands during peak operating hours; and allow vehicle-for-hire consortiums to hire their own Customer Service Representatives. Motion carried by the following vote: YES – Alvarez, Desmond, Gleason, Hubbs, Robinson, Smisek; NO – None; ABSENT – Cox, Sessom. (Weighted Vote Points: YES – 71; NO – 0; ABSENT - 16).

Chair Gleason announced that Closed Session would be taken at this time.

CLOSED SESSION: The Board recessed in to Closed Session at 1:24 p.m. to discuss Items 18, 20 and 21.

- 17. 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: Scott Brickner, Finance & Asset Management, Vice President/Treasurer.
Negotiating Parties: San Diego Gas & Electric, United States Fish and Wildlife Service, GGTW, LLC (current tenant) and/or other interested parties.
Under Negotiation: Sale – terms and conditions.
- 18. CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION:**
(Cal. Gov. Code § 54956.9(a) and (d)(1).)
Diego Concession Group, Inc. v. San Diego County Regional Airport Authority,
San Diego Superior Court Case No. 37-2012-00088083-CU-BT-CTL
- 19. CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION:**
(Cal. Gov. Code § 54956.9(a) and (d)(1).)
Dryden Oaks, LLC v. San Diego County Regional Airport Authority, et al.,
San Diego Superior Court, North County, Case No. 37-2014-00004077-CU-EI-NC
- 20. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION:**
(Cal. Gov. Code § 54956.9(a) and (d)(1).)
Donna Wilson; John Wilson v. San Diego Port Authority; San Diego International Airport; San Diego County Regional Airport Authority
San Diego Superior Court Case No. 37-2014-00015326-CU-PO-CTL
(Meyer)
- 21. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION:**
(Initiation of litigation pursuant to Cal. Government Code § 54956.9(d).)
Number of cases: 1
- 22. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION AND EXISTING LITIGATION:**
(Significant exposure to litigation pursuant to Cal. Gov. Code §§ 54956.9(a) and 54956.9(b).)
Jay A. Bass, et al v. San Diego City Employees' Retirement System, et al.,
San Diego Superior Court Case No. 37-2013-00077566-CU-OE-CTL

- 23. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION:**
(Significant exposure to litigation pursuant to Cal. Gov. Code §§ 54956.9 (b) and 54954.5.)
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.
Number of potential cases: 1
- 24. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION:**
(Initiation of litigation pursuant to Cal. Government Code § 54956.9(d).)
Number of cases: 2

REPORT ON CLOSED SESSION: The Board reconvened into Open Session at 1:53 p.m. In regards to Items 18 and 20, Chair Gleason reported that direction was provided to staff. In regards to Item 21, Bret Lobner, General Counsel, reported that the Board approved a settlement with the City of San Diego in the amount of \$34,158.07, and that the General Counsel's Office was authorized to sign the release, indemnity and hold harmless agreement.

Board Member Desmond left the meeting at 1:54 p.m.

ITEMS REMOVED FROM THE CONSENT AGENDA FOR DISCUSSION

In response to Board Member Alvarez regarding whether the increase was anticipated and if it is budgeted, Bob Bolton, Director, Airport Design and Construction, stated that both items 14 and 15 relate to the Rental Car Center project, and that the project funding was approved by the Board.

- 14. APPROVE AND AUTHORIZE THE PRESIDENT/CEO TO EXECUTE A FIRST AMENDMENT TO THE KIMLEY-HORN AND ASSOCIATES, INC., ON-CALL PROGRAM MANAGEMENT AND SUPPORT SERVICES AGREEMENT:**
RECOMMENDATION: Adopt Resolution No. 2014-0106, approving and authorizing the President/CEO to execute a First Amendment to the Kimley-Horn and Associates, Inc., On-Call Program Management and Support Services Agreement by exercising the first option; and increasing the original overall not-to-exceed Agreement amount of \$18,000,000 by \$15,000,000, for a revised not-to-exceed Agreement amount of \$33,000,000.

15. APPROVE AND AUTHORIZE THE PRESIDENT/CEO TO EXECUTE A SECOND AMENDMENT TO THE DEMATTEI WONG ARCHITECTURE, INC., ON-CALL CONSULTANT SERVICES AGREEMENT:

RECOMMENDATION: Adopt Resolution No. 2014-0107, approving and authorizing the President/CEO to execute a Second Amendment to the Demattei Wong Architecture, Inc., On-Call Rental Car Center Development Architect and Engineering Consultant Services Agreement, increasing the agreement amount by \$5,000,000, for a revised maximum not-to-exceed amount of \$27,000,000.

ACTION: Moved by Board Member Alvarez and seconded by Board Member Robinson to approve staff's recommendation for Items 14 and 15. Motion carried by the following vote: YES – Alvarez, Gleason, Hubbs, Robinson, Smisek; NO – None; ABSENT – Cox, Desmond, Sessom. (Weighted Vote Points: YES – 59; NO – 0; ABSENT - 28).

PRESENTATIONS, CONTINUED

D. REVIEW OF THE CONCESSION DEVELOPMENT PROGRAM AS OF JUNE 30, 2014:

Kathy Kiefer, Senior Director, Finance & Asset Management, and Nyle Marmion, Program Manager, Concessions Development, provided a presentation on the Review of the Concession Development Program as of June 30, 2014, which included Gross Sales, Sales per Enplaned Passenger (SEP) and Enplanements by Fiscal Year, SAN Comparative Sales per Enplaned Passenger vs. Selected Airports, SAN Comparative SEP – Food and Beverage, SAN Comparative SEP – Retail, Fiscal Year 2014 Gross Sales, Enplanements and SEP by Terminal, Total Concession Development Program (CDP) – First 7 Months, CDP – Fiscal Year 2014, and CDP Gross Sales – by Activity.

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

STANDING BOARD COMMITTEES

- **AUDIT COMMITTEE:** None.
- **CAPITAL IMPROVEMENT PROGRAM OVERSIGHT COMMITTEE:** Board Member Hubbs announced that the next Committee Meeting scheduled for October 21, 2014.
- **EXECUTIVE PERSONNEL AND COMPENSATION COMMITTEE:** None.
- **FINANCE COMMITTEE:** None.

ADVISORY COMMITTEES

- **AUTHORITY ADVISORY COMMITTEE:**
Board Member Smisek announced that the next Committee Meeting is scheduled for October 15, 2014.
- **ART ADVISORY COMMITTEE:** None.

LIAISONS

- **AIRPORT LAND USE COMPATIBILITY PLAN FOR SAN DIEGO INTERNATIONAL AIRPORT:** None.
- **CALTRANS:** None.
- **INTER-GOVERNMENTAL AFFAIRS:**
Mike Kulis, Director, Inter-Governmental Relations reported that the Legislature is scheduled to reconvene on January 5, 2015, Congress remains on legislative recess and is expected to reconvene on November 12, 2014. He reported that on September 9th, Authority Staff provided an Airport Development Plan briefing for Councilmember Kristine Alessio of La Mesa, and on September 15th, Authority representatives, including Board Members Robinson and Cox met with Congressman Bill Shuster, Chairman of the House Transportation and Infrastructure Committee to discuss the upcoming FAA Reauthorization bill.
- **MILITARY AFFAIRS:** None.
- **PORT:** None.

BOARD REPRESENTATIVES (EXTERNAL)

- **SANDAG TRANSPORTATION COMMITTEE:** None.
- **WORLD TRADE CENTER:** None.

CHAIR'S REPORT:

Chair Gleason announced the recent appointment of April C. Boling to the Authority Board. He stated that the 2015 Master Calendar of Board and Committee Meetings will be distributed to the Board soon.

PRESIDENT/CEO'S REPORT:

Thella F. Bowens, President/CEO reported that the Authority was the recent recipient of the ACNA Environmental Achievement Award, in recognition of the Green Build state-of-the-art sustainability features. She also reported that at the recent United Nations Climate Summit in New York, the aviation sector joined other business and government group to announce a new commitment to reducing emissions from the aviation sector. She also reported that work continues towards the implementation of Automated Passport Control Kiosks at the Airport.

PUBLIC HEARINGS: None.

OLD BUSINESS: None.

NON-AGENDA PUBLIC COMMENT: None.

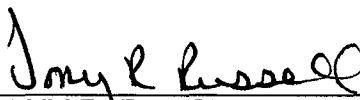
GENERAL COUNSEL REPORT: None.

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: None.

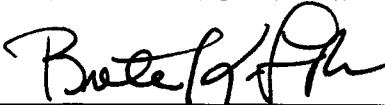
ADJOURNMENT: The meeting was adjourned at 2:21 p.m.

APPROVED BY A MOTION OF THE SAN DIEGO COUNTY REGIONAL AIRPORT AUTHORITY BOARD THIS 6th DAY OF NOVEMBER, 2014.



TONY R. RUSSELL
DIRECTOR, CORPORATE &
INFORMATION GOVERNANCE /
AUTHORITY CLERK

APPROVED AS TO FORM:



BRETON K. LOBNER
GENERAL COUNSEL