

**SAN DIEGO COUNTY REGIONAL AIRPORT AUTHORITY BOARD
MINUTES
THURSDAY, JANUARY 5, 2012
SAN DIEGO INTERNATIONAL AIRPORT
BOARD ROOM**

CALL TO ORDER: Chair Gleason called the meeting of the San Diego County Regional Airport Authority Board to order at 9:00 A.M. on Thursday, January 5, 2012 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.

Chair Gleason announced that Board Member Berman (Ex Officio), is on temporary assignment for CALTRANS in Sacramento, and that Bill Figge, Deputy District Director of Transportation, CALTRANS, will be attending the meetings, and is the assigned designee during her absence.

ROLL CALL:

PRESENT: Board Members: Boland, Cox, Desmond, Figge (Ex Officio), Gleason, Hubbs, Panknin, Richie (Ex Officio), Robinson, Smisek, Young

ABSENT: Board Members: Reyes (Ex Officio)

ALSO PRESENT: Thella F. Bowens, President/CEO; Breton K. Lobner, General Counsel; Tony R. Russell, Director, Corporate Services/Authority Clerk; Linda D. Gehlken, Assistant Authority Clerk I

PRESENTATIONS:

Chair Gleason announced that Item C would be received first, followed by Item 12.

C. LEED CERTIFICATION FOR FACILITIES MANAGEMENT DIVISION BUILDING:

Wayne Harvey, Director, Facilities Management, reported that the U.S. Green Building Council has awarded the Authority a Leadership in Energy and Environmental Design (LEED) Gold rating for its Facilities Management building. He also reported that the building received recognition as the Authority's first "Energy Star" rated building.

12. UPDATE ON GROUND TRANSPORTATION:

Vernon Evans, Vice President, Finance/Treasurer, provided an update on ground transportation which included Guiding Documents; Status of California Attorney General Memorandum of Understanding (MOU); Vehicle Conversion Incentive-Based Program; Front-of-Line Privileges for Taxicabs; Status of Memorandum of Agreements (MOAs) with Taxicabs/Shuttles; Standardization of Vehicle Age Policy; Taxi/Shuttle Wait Times; Taxicab Trip Fee Update; and Next Steps.

In response to Board Member Desmond regarding the indemnification clause requested by the City of San Diego and the Metropolitan Transit System (MTS) that would allow the placement of trip fees on the taxicabs' meters, Breton Lobner, General Counsel, stated that the position of the City is based on Proposition 26 and addresses fees that are not "user fees." He stated that counsel staff thoroughly reviewed Proposition 26, and that there are exceptions within the stature. He stated that when the Board adopted the taxi cab trip fees, they were classified as "user fees" which should allow for the fees to be placed on the meters. He expressed concern about the cost of litigation that could arise under a "duty to defend" should an indemnity clause be reached.

Board Member Boland expressed concern regarding the loss of revenue from trip fees due to the conversions to alternative fuel vehicles.

Board Member Panknin suggested that the "seven year" vehicle age policy restriction be reconsidered.

Chair Gleason requested that the compliance items within the MOA's be sent to Board Members, and a discussion item be scheduled in May or June of this year for an update.

In response to Board Member Hubbs regarding whether a "limited" scope indemnity clause has been considered, Breton Lobner, General Counsel, stated that it has been; however, unless otherwise directed by the Board, it is the General Counsel's position that the duty to set taxicab rates and fares is that of MTS. He stated that MTS is indemnified through an agreement with the City of San Diego.

SARAH SAEZ, SAN DIEGO, UNITED TAXI WORKERS, spoke in opposition to front of the line privileges.

CARELYN REYNOLDS, CORONADO, SAN DIEGO COUNTY AIRPORT SHUTTLE ASSOCIATION, requested that the Board extend the vehicle age requirement, and that regular meetings be combined with all stakeholders.

JEFF MARSTON, SAN DIEGO, requested that the Board reconsider the seven year vehicle age restriction, schedule a workshop with the ground transportation industry stakeholders, and consider having monthly meetings between staff and stakeholders.

ANTHONY PALMERI, EL CAJON, spoke regarding the costs associated with converting to hybrid vehicles.

Board Members Boland and Cox left the meeting at 9:50 a.m.

LISA MCGHEE, SAN DIEGO, spoke regarding the incentive program for vehicle conversion and the vehicle age limit.

TONY HUESO, SAN DIEGO, expressed concern regarding implementing the requirements of the Memorandum of Agreements.

TAREQ HAIDARI, SAN DIEGO, spoke in opposition to the front of the line privileges for hybrid vehicles.

GEORGE ABRAHAM, SAN DIEGO, spoke regarding the importance of placing the taxi cab trip fees on the meters.

Board Member Panknin stated that vehicles should be evaluated on an individual basis, and not by the age of the vehicle.

Board Member Smisek expressed concern regarding the "seven year" vehicle age policy restriction.

Board Member Desmond stated that it is important to get the taxi cab trip fees on the meters as soon as possible. He also stated that the Authority should honor the agreement made regarding front of the line privileges, and should also reconsider the vehicle age policy restriction.

Thella F. Bowens, President/CEO, clarified that the front of the line privileges has been suspended until the issues are addressed, and which may extend the front of the line privileges passed June 30.

Board Member Young recommended that as the Authority debates the issue of indemnifying the City and MTS, taxicab trip fees should be suspended, because not doing so would be unfair to the drivers. He also expressed concern for how this issue is affecting small business owners. He moved to direct the General Counsel to work out an indemnity clause with MTS and/or the City of San Diego to put the taxicab trip fee on the meter. Board Member Panknin seconded the motion.

Chair Gleason expressed disappointment regarding the number of issues in the MOA's that are unresolved. Specifically the ones that trouble the Board the most. He encouraged staff and stakeholders to work together to address as many issues as possible before the end of the year. He stated that the Authority should honor the incentives for hybrid vehicles. He requested that staff report back to the Board with direction for front of the line privileges and vehicle age restrictions next month.

In response to Board Member Young regarding when the indemnification language would be completed, Breton Lobner, General Counsel, stated that it would be ready in February.

In response to Board Member Hubbs' suggestion that the Authority investigate whether the taxi industry would be willing to support the cost of indemnifying MTS and/or the City of San Diego, Mr. Lobner stated that he would explore this possibility.

RECOMMENDATION: Receive the report and provide possible direction related to next steps.

ACTION: Moved by Board Member Young and seconded by Board Member Panknin to direct General Counsel to work out an indemnity clause with the Metropolitan Transit System and/or the City of San Diego to place the trip fee on the taxicab meters and to report back to the Board at the February meeting. Motion carried by the following vote: YES - Desmond, Gleason, Hubbs, Panknin, Robinson, Smisek, Young; NO – None; ABSENT- Boland, Cox. (Weighted Vote Points: YES – 79; NO – 0; ABSENT – 21)

The Board recessed at 10:25 a.m. and reconvened at 10:40 a.m.

A. UPDATE ON THE TELEDYNE RYAN DEMOLITION PROJECT (EDUCATIONAL ITEM):

Iraj Ghaemi, Director, Facilities Development and Paul Manasjan, Director, Environmental, provided an update on the Teledyne Ryan Demolition Project which included Site History; Settlement Agreement; Remediation; Demolition; and Site Development.

B. UPDATE ON WORKER RETENTION EFFORTS:

Jeffrey Woodson, Vice President, Administration, provided an update on worker retention efforts which included Actions to Date; Current Activities; and Next Steps.

Chair Gleason requested that another update be provided to the Board mid-year 2012.

Board Member Young left the meeting at 11:00 a.m.

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

STANDING BOARD COMMITTEES

• **AUDIT COMMITTEE:**

Board Member Smisek reported that the next Committee meeting will be held as a joint one with the Terminal Development Program (TDP) Committee on February 6, 2012 to discuss TDP auditing.

• **EXECUTIVE PERSONNEL AND COMPENSATION COMMITTEE:**

Board Member Desmond reported that the next meeting of the Committee will be on January 18 to discuss the goals for the President/CEO, General Counsel, and Chief Auditor.

• **FINANCE COMMITTEE:** None

• **TERMINAL DEVELOPMENT PROGRAM COMMITTEE:** None

ADVISORY COMMITTEES

• **AUTHORITY ADVISORY COMMITTEE:** None

• **ART ADVISORY COMMITTEE:**

Chair Gleason reported that the Committee met on January 4, and stated that the Board will be receiving recommendations for awarding three new public art opportunities at the February 9, Board meeting. He also stated that there will be two vacancies on the Committee in June, and asked that Board Members forward to him any recommendations they have for the positions.

LIAISONS

- **AIRPORT LAND USE COMPATIBILITY PLAN FOR SAN DIEGO INTERNATIONAL AIRPORT:**

Board Member Robinson reported that there have been two meetings recently by Airport staff with the City of Coronado and Navy representatives to discuss the North Island/Imperial Beach Air Installation Compatibility Use Zone (AICUZ), and ALUCP process. He also reported that Airport staff met with representatives from Senators Feinstein's and Boxer's offices to discuss the ALUCP process following the release of the North Island/Imperial Beach AICUZ.

- **CALTRANS:**

Board Member Figge reported that Caltrans will be completing several projects this year. He stated that the largest is the one for I-15 with a Grand Opening ceremony taking place next week. He also reported that a ceremony will be held for the completion of the South Bay Expressway I-805/I-905 interchange.

- **INTER-GOVERNMENTAL AFFAIRS:**

Mike Kulis, Director, Inter-Governmental Affairs, reported that during the last month, Authority staff met and briefed staff for various government officials. He also reported that Mayor Jerry Sanders is scheduled to deliver his annual State of the City Address on January 11. He stated that staff is scheduled to provide a briefing and Green Build Tour for San Diego City Councilmember Todd Gloria on January 13.

- **MILITARY AFFAIRS:** None

- **PORT:**

Chair Gleason stated that he will be convening a meeting in the next few weeks to discuss the ongoing relationship with the Port.

BOARD REPRESENTATIVES (EXTERNAL)

- **SANDAG TRANSPORTATION COMMITTEE:**

Board Member Smisek reported that there were no meetings scheduled in December, and that there will be two upcoming meetings in January.

- **WORLD TRADE CENTER:** None

CHAIR'S REPORT:

Chair Gleason reminded the Board that a list of 2012 conferences was distributed by the Board Administrator and he urged Board Members to consider attending the Airport Council Commissioners and/or the Chamber of Commerce Delegation Conferences.

PRESIDENT/CEO'S REPORT:

Thella F. Bowens, President/CEO, reported that there were some flight cancellations due to weather conditions over the holidays. She recommended that Board Members consider attending the Airport Council Commissioners Conference in Pasadena in April.

NON-AGENDA PUBLIC COMMENT: None

Board Member Boland returned to the dais at 11:15 a.m.

CONSENT AGENDA (Items 1-11)

Chair Gleason requested that Item 11 be pulled from the Consent Agenda for discussion, and stated that in regard to Item 3, a legal services contract submitted on the report was based on the merging of two legal firms. He stated that after discussion with General Counsel, this item will be coming to the Board for ratification at the February Board meeting.

ACTION: Moved by Board Member Smisek and seconded by Board Member Desmond to approve the Consent Agenda as amended. Motion carried by the following vote: YES – Boland, Desmond, Gleason, Hubbs, Panknin, Robinson, Smisek; NO – None; ABSENT – Cox, Young. (Weighted Vote Points: YES – 79; NO – 0; ABSENT – 21)

1. APPROVAL OF MINUTES:

RECOMMENDATION: Approve the minutes of the December 1, 2011 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:

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 NOVEMBER 7, 2011 THROUGH DECEMBER 4, 2011 AND REAL PROPERTY AGREEMENTS GRANTED AND ACCEPTED FROM NOVEMBER 7, 2011 THROUGH DECEMBER 4, 2011:**
RECOMMENDATION: Receive the report.
4. **JANUARY 2012 LEGISLATIVE REPORT:**
RECOMMENDATION: Adopt Resolution No. 2012-0001, approving the January 2012 Legislative Report.
5. **APPROVE AMENDMENT TO MEMORANDUM OF UNDERSTANDING BY AND BETWEEN CALIFORNIA HIGH-SPEED RAIL AUTHORITY, SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNMENTS, SAN DIEGO ASSOCIATION OF GOVERNMENTS, SAN BERNARDINO ASSOCIATED GOVERNMENTS, RIVERSIDE COUNTY TRANSPORTATION COMMISSION, SAN DIEGO COUNTY REGIONAL AIRPORT AUTHORITY AND LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY FOR PREPARATION OF STUDIES FOR THE LOS ANGELES TO SAN DIEGO VIA INLAND EMPIRE PROPOSED HIGH-SPEED PASSENGER RAIL CORRIDOR:**
RECOMMENDATION: Adopt Resolution No. 2012-0002, approving an Amendment to Memorandum of Understanding by and between California High-Speed Rail Authority, Southern California Association of Governments, San Diego Association of Governments, San Bernardino Associated Governments, Riverside County Transportation Commission, San Diego County Regional Airport Authority and Los Angeles County Metropolitan Transportation Authority for preparation of studies for the Los Angeles to San Diego via Inland Empire proposed high-speed passenger rail corridor.

CLAIMS

6. **AUTHORIZE THE REJECTION OF THE CLAIM OF JOHN ZABALZA:**
RECOMMENDATION: Adopt Resolution No. 2012-0003, authorizing the rejection of the claim of John Zabalza.
7. **AUTHORIZE THE REJECTION OF THE CLAIM OF ANASTASIA TOPPING:**
RECOMMENDATION: Adopt Resolution No. 2012-0004, authorizing the rejection of the claim of Anastasia Topping.

COMMITTEE RECOMMENDATIONS

CONTRACTS AND AGREEMENTS

8. **AWARD A CONTRACT TO OCEAN BLUE ENVIRONMENTAL SERVICES, INC. FOR PROFESSIONAL ON-CALL HAZARDOUS WASTE DISPOSAL SERVICES:**
RECOMMENDATION: Adopt Resolution No. 2012-0005, awarding a contract to Ocean Blue Environmental Services, , Incorporated, in the amount of \$3,750,000 for a 5-year period, to provide professional on-call hazardous waste disposal services at San Diego International Airport.

9. **AWARD A CONSTRUCTION CONTRACT TO S&L SPECIALTY CONTRACTING, INC. FOR QUIETER HOME PROGRAM PHASE 6, GROUP 4 (25 WEST SIDE, NON-HISTORIC, SINGLE-FAMILY HOMES ON 25 RESIDENTIAL PROPERTIES):**
RECOMMENDATION: Adopt Resolution No. 2012-0006, awarding a contract to S&L Specialty Contracting, Inc. in the amount of \$994,500 for Phase 6, Group 4, Project No. 380604, of the San Diego County Regional Airport Authority's Quieter Home Program.

10. **AWARD A CONTRACT TO PAL GENERAL ENGINEERING, INC., TO CONSTRUCT IMPROVEMENTS FOR THE RELOCATION OF DHL AIRCRAFT AT SAN DIEGO INTERNATIONAL AIRPORT:**
RECOMMENDATION: Adopt Resolution No. 2012-0007, (1) relieving the apparent lowest bidder, Carolino Construction Corporation, from its bid, and (2) awarding a contract to PAL General Engineering, Inc., in the amount of \$378,548.56, for Project No. 104143, "DHL Relocation" at San Diego International Airport.

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

11. **AWARD A CONTRACT TO STRONGHOLD ENGINEERING, INC. TO UPGRADE GATES IN TERMINAL 2 EAST: GATE 24-GATE 28 HOLDROOMS, AT SAN DIEGO INTERNATIONAL AIRPORT:**
ACTION: This item was pulled from the Consent Agenda for discussion.

Board Member Cox returned to the dais at 11:17 a.m.

ITEMS PULLED FROM THE COSENT AGENDA FOR DISCUSSION:

11. AWARD A CONTRACT TO STRONGHOLD ENGINEERING, INC. TO UPGRADE GATES IN TERMINAL 2 EAST: GATE 24-GATE 28 HOLDROOMS, AT SAN DIEGO INTERNATIONAL AIRPORT:

In response to Chair Gleason regarding the awarding of this non-federally funded contract without a local preference, Iraj Ghaemi, Director, Facilities Development, provided an overview of the contract and stated that based on the cost of the project and the specific policy involved, none of the ten bidders were either small business bidders or met the local preference guidelines.

RECOMMENDATION: Adopt Resolution No. 2012-0008, awarding a contract to Stronghold Engineering, Inc. in the amount of \$13,997,127 for Project No. 104056, to upgrade Terminal 2 East Facility: Gate 24-Gate 28 Holdrooms, at San Diego International Airport.

ACTION: Moved by Board Member Smisek and seconded by Board Member Robinson to approve staff's recommendation. Motion carried by the following vote: YES – Boland, Cox, Desmond, Gleason, Hubbs, Panknin, Robinson, Smisek; NO – None; ABSENT – Young. (Weighted Vote Points: YES – 87; NO – 0; ABSENT – 13)

OLD BUSINESS: None.

PUBLIC HEARINGS: None.

NEW BUSINESS:

12. DISCUSS NEXT STEPS AFTER THE COMPLETION OF THE REGIONAL AVIATION STRATEGIC PLAN (RASP) BY THE SAN DIEGO COUNTY REGIONAL AIRPORT AUTHORITY AND THE COMPLETION OF THE AIRPORT MULTIMODAL ACCESSIBILITY PLAN (AMAP) AND REGIONAL TRANSPORTATION PLAN (RTP) 2050 BY SANDAG:

Ted Anasis, Manager, Airport Planning, provided a presentation on the next steps which included RASP Sub-Committee Considerations; Creation of Regional Aviation Working Group; and a discussion on the Next Steps.

Board Member Panknin suggested that in lieu of an annual meeting with policy makers to monitor progress on regional aviation issues, an informal meeting be arranged that would include a briefing and update.

Thella F. Bowens, President/CEO, stated that since the City and the County of San Diego are the owners of the other airports, moving forward with any action for the RASP will need to be directed by the policy makers, not the staff from these entities. She recommended that the Authority Board, as policy makers of the Authority, initiate the process with the City and the County.

Chair Gleason concurred with Ms. Bowens in this regard, and requested that after staff gathers input from the appropriate Board Members, an annual meeting of all policymakers, inclusive of the City and County, be scheduled.

RECOMMENDATION: Discuss next steps and provide direction to staff.

ACTION: No action was taken.

The Board recessed 11:25 a.m. and reconvened at 11:35 a.m.

CLOSED SESSION: The Board recessed into Closed Session at 11:36 a.m. to discuss Items 15 and 18.

- 13. 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
- 14. CONFERENCE WITH REAL PROPERTY NEGOTIATORS:**
Real Property Negotiations Pursuant To Cal. Gov. Code Sections 54954.5(B) and 54956.8.
Property: 1.15 Acre Parcel Located At The Northern Terminus Of 13th Street In Imperial Beach, CA
Agency Negotiators: Vernon D. Evans, Vice President, Finance/Treasurer
Under Negotiation: Sale – Terms and Conditions
- 15. 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)
- 16. 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
- 17. 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

18. **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION:**
Initiation of litigation pursuant to subdivision (c) of §54956.9: (1 case)
19. **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]
20. **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
21. **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION:**
Initiation of litigation pursuant to subdivision (c) of Section 54956.9: (1 case)

REPORT ON CLOSED SESSION: The Board reconvened into Open Session at 12:35 p.m. Chair Gleason reported that there was no reportable action.

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

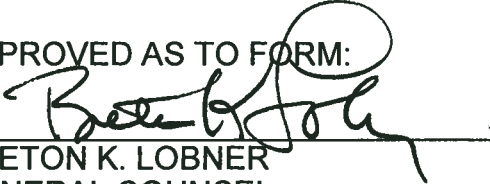
ADJOURNMENT: The Board adjourned at 12:36 p.m.

APPROVED BY A MOTION OF THE SAN DIEGO COUNTY REGIONAL AIRPORT
AUTHORITY BOARD THIS 9TH DAY OF FEBRUARY, 2012.



TONY R. RUSSELL
DIRECTOR, CORPORATE SERVICES/
AUTHORITY CLERK

APPROVED AS TO FORM:



BRETON K. LOBNER
GENERAL COUNSEL