

SAN DIEGO COUNTY REGIONAL AIRPORT AUTHORITY



SPECIAL BOARD

AGENDA

Thursday, April 12, 2012

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.***

BOARD MEMBERS

BRUCE R. BOLAND
GREG COX
JIM DESMOND
BILL FIGGE*
ROBERT H. GLEASON
LLOYD B. HUBBS
JIM PANKNIN
PEDRO REYES*
COL. FRANK A. RICHIE*
PAUL ROBINSON
TOM SMISEK
ANTHONY K. YOUNG

* EX OFFICIO BOARD MEMBERS

PRESIDENT/CEO
THELLA F. BOWENS

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:

ROLL CALL:

PRESENTATION:

- A. 2011 ANNUAL SAN PASSENGER SATISFACTION SURVEY RESULTS:**
Presented by Murray Bauer, Director, Landside Operations; and Scott Ludwigsen, Executive Vice President, Travel Research Group, Phoenix Marketing International

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, Young
- **EXECUTIVE PERSONNEL AND COMPENSATION COMMITTEE:**
Committee Members: Boland, Cox, Desmond (Chair), Smisek
- **FINANCE COMMITTEE:**
Committee Members: Cox (Chair), Desmond, Robinson, Smisek, Young
- **TERMINAL DEVELOPMENT PROGRAM COMMITTEE:**
Committee Members: Boland (Chair), Gleason, Hubbs, Panknin, Robinson

ADVISORY COMMITTEES

- **AUTHORITY ADVISORY COMMITTEE:**
Liaison: Panknin
- **ART ADVISORY COMMITTEE:**
Committee Member: Gleason

LIAISONS

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

- **CALTRANS:**
Liaison: Figge
- **INTER-GOVERNMENTAL AFFAIRS:**
Liaison: Cox
- **MILITARY AFFAIRS:**
Liaisons: Boland (Primary), Panknin
- **PORT:**
Liaisons: Boland, Cox, 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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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 1-12)

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 March 1, 2012 regular meeting, and the March 9 and 10, 2012 special meetings.

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 FEBRUARY 6, 2012 THROUGH MARCH 11, 2012 AND REAL PROPERTY AGREEMENTS GRANTED AND ACCEPTED FROM FEBRUARY 6, 2012 THROUGH MARCH 11, 2012:

The Board is requested to receive the report.

RECOMMENDATION: Receive the report.

(Procurement: Jana Vargas, Director)

4. APRIL 2012 LEGISLATIVE REPORT:

The Board is requested to approve the report.

RECOMMENDATION: Adopt Resolution No. 2012-0034, approving the April 2012 Legislative Report.

(Inter-Governmental Relations: Michael Kulis, Director)

5. APPOINTMENT OF AN AUTHORITY ADVISORY COMMITTEE MEMBER:

The Board is requested to make an appointment to the Authority Advisory Committee.

RECOMMENDATION: Adopt Resolution No. 2012-0035, approving an appointment to the Authority Advisory Committee.

(Executive Office: Matthew Harris, Senior Director)

CLAIMS

- 6. AUTHORIZE THE REJECTION OF THE CLAIM OF JOY DONATHAN:**
The Board is requested to reject the claim.
RECOMMENDATION: Adopt Resolution No. 2012-0036, authorizing the rejection of the claim of Joy Donathan.
(Legal: Breton Lobner, General Counsel)
- 7. AUTHORIZE THE REJECTION OF THE CLAIM OF MICHAEL BABINEAU:**
The Board is requested to reject the claim.
RECOMMENDATION: Adopt Resolution No. 2012-0037, authorizing the rejection of the claim of Michael Babineau.
(Legal: Breton Lobner, General Counsel)
- 8. AUTHORIZE THE REJECTION OF THE CLAIM OF DOLORES PERRY:**
The Board is requested to reject the claim.
RECOMMENDATION: Adopt Resolution No. 2012-0038, authorizing the rejection of the claim of Dolores Perry.
(Legal: Breton Lobner, General Counsel)

COMMITTEE RECOMMENDATIONS

- 9. APPROVE AND AUTHORIZE THE PRESIDENT/CEO TO EXECUTE A FIRST AMENDMENT TO THE AGREEMENT WITH MCGLADREY AND PULLEN LLP FOR PROFESSIONAL FINANCIAL AUDIT SERVICES:**
The Board is requested to approve the amendment.
RECOMMENDATION: The Audit Committee recommends that the Board adopt Resolution No. 2012-0039, approving and authorizing the President/CEO to take all necessary steps to execute a First Amendment to the Agreement with McGladrey & Pullen LLP for professional financial audit services, increasing the compensation by \$400,000 for a total not to exceed compensation amount of \$850,000, and exercising both one-year options to extend the term of the Agreement.
(Finance: Vernon Evans, Vice President/Treasurer)
- 10. AUTHORIZE CONTRACT WITH ARTIST ERIK CARLSON TO DESIGN INTEGRATED ARTWORK FOR TERMINAL DEVELOPMENT PROGRAM:**
The Board is requested to authorize a contract.
RECOMMENDATION: The Art Advisory Committee recommends that the Board adopt Resolution No. 2012-0045, awarding Erik Carlson the commission for the Restroom Entry Walls Public Art Opportunity in an amount not to exceed \$220,000.
(Public & Customer Relations: Constance White, Art Program Manager)

CONTRACTS AND AGREEMENTS

11. AUTHORIZE THE PRESIDENT/CEO TO EXECUTE AGREEMENTS SUPPORTING THE AUTHORITY'S BONDING AND CONTRACT FINANCING ASSISTANCE PROGRAM:

The Board is requested to execute agreements.

RECOMMENDATION: Adopt Resolution No. 2012-0040, authorizing the President/CEO to execute agreements supporting the Authority's Bonding and Contract Financing Assistance Program.

(Small Business Development: Bob Silvas, Director)

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

12. AWARD A CONTRACT TO BUILT PACIFIC, INC. FOR QUIETER HOME PROGRAM PHASE 6, GROUP 3 (48 UNITS LOCATED ON 3 HISTORIC PROPERTIES AND 36 UNITS LOCATED ON 2 NON-HISTORIC PROPERTIES, FOR A TOTAL OF 84 EAST SIDE APARTMENT UNITS):

The Board is requested to award a contract.

RECOMMENDATION: Adopt Resolution No. 2012-0041, awarding a contract to Built Pacific, Inc. in the amount of \$1,434,158.40 for Phase 6, Group 3, Project No. 380603 of the San Diego County Regional Airport Authority's Quieter Home Program.

(Facilities Development: Iraj Ghaemi, Director)

PUBLIC HEARINGS:

OLD BUSINESS:

NEW BUSINESS:

13. RESCIND RESOLUTION NO. 2011-0113 AWARDING A CONCESSION LEASE TO HIGH FLYING FOODS SAN DIEGO PARTNERSHIP (A JOINT VENTURE) FOR DEVELOPMENT AND OPERATION OF FOOD SERVICE PACKAGE #6R AND AWARD A CONCESSION LEASE TO SSP AMERICA, INC. FOR DEVELOPMENT AND OPERATION FOR FOOD SERVICE PACKAGE #6R:

The Board is requested to grant a concession lease.

RECOMMENDATION: Adopt Resolution No. 2012-0042, rescinding Resolution No. 2011-0113 awarding a concession lease to High Flying Foods San Diego Partnership (A Joint Venture) for development and operation of Food Service Package #6R, and award a Concession Lease to SSP America, Inc. for development and operation for Food Service Package #6R for a maximum term of twelve (12) years and two (2) months which includes a period not to exceed twenty-six (26) months to allow for package construction completion, with a first year Minimum Annual Guarantee (MAG) of \$603,530; and authorizing the President/CEO to take all necessary actions to execute the concession lease.

(Aviation & Commercial Development: Nyle Marmion, Manager – Concession Development)

14. UPDATE AND BOARD DISCUSSION ON EXISTING PREFERENCE PROGRAMS AND AMEND POLICIES 5.12 AND 5.14, TO CHANGE THE DEFINITION OF A SMALL BUSINESS:

The Board is requested to amend the policies.

RECOMMENDATION: Adopt Resolution No. 2012-0043, amending Policy 5.12, Preference to Small Businesses and Policy 5.14, Small Business, Local Business and Service Disabled Veteran Owned Small Business Goal and Preference Program, to Change the Definition and Criteria of Small Business and to Improve the Verification Process.

(Small Business Development: Bob Silvas, Director)

15. APPROVE AND AUTHORIZE THE PRESIDENT/CEO TO EXECUTE AN AGREEMENT WITH FRASCA & ASSOCIATES, LLC FOR FINANCIAL ADVISORY SERVICES:

The Board is requested to approve the agreement.

RECOMMENDATION: Adopt Resolution No. 2012-0044, approving and authorizing the President/CEO to execute an agreement for financial advisory services with Frasca & Associates, LLC for a term of three (3) years with two (2) additional one year options to extend the term with a maximum amount payable not-to-exceed \$1,500,000.00.

(Finance: Vernon Evans, Vice President/Treasurer)

16. DISCUSSION REGARDING THE FISCAL YEAR 2013-2017 CAPITAL IMPROVEMENT PROGRAM BUDGET:

The Board is requested to provide direction to staff.

RECOMMENDATION: Provide direction to staff.

(Business Planning: David Boenitz, Director and Facilities Development: Iraj Ghaemi, Director)

CLOSED SESSION:

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: 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

18. 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

19. 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)

20. 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

21. 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

- 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 – 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
- 26. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION:**
Initiation of litigation pursuant to subdivision (c) of Section 54956.9: (1 case)

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.

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>
May 3	Thursday	9:00 a.m.	Regular	Board Room
June 7	Thursday	9:00 a.m.	Regular	Board Room
July 12	Thursday	9:00 a.m.	Special	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 12:15 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: 4/6/12

SIGNATURE: 