

SAN DIEGO COUNTY REGIONAL AIRPORT AUTHORITY



BOARD MEMBERS

LAURIE BERMAN*
BRUCE R. BOLAND
GREG COX
JIM DESMOND
ROBERT H. GLEASON
LLOYD B. HUBBS
JIM PANKNIN
PEDRO REYES*
PAUL ROBINSON
TOM SMISEK
ANTHONY K. YOUNG

* EX OFFICIO BOARD MEMBERS

PRESIDENT/CEO

THELLA F. BOWENS

BOARD

AGENDA

Thursday, October 4, 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.***

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:

**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, Panknin, Robinson, 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: Berman

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

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.***

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CONSENT AGENDA (Items 1-9):

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 September 6, 2012 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 AUGUST 13, 2012 THROUGH SEPTEMBER 9, 2012 AND REAL PROPERTY AGREEMENTS GRANTED AND ACCEPTED FROM AUGUST 13, 2012 THROUGH SEPTEMBER 9, 2012:

The Board is requested to receive the report.
RECOMMENDATION: Receive the report.
(Procurement: Jana Vargas, Director)

4. OCTOBER 2012 LEGISLATIVE REPORT:

The Board is requested to approve the report.
RECOMMENDATION: Adopt Resolution No. 2012-0105, approving the October 2012 Legislative Report.
(Inter-Governmental and Community Relations: Michael Kulis, Director)

5. AMEND AUTHORITY POLICY 8.30 – AIRPORT LAND USE COMMISSION:

The Board is requested to amend the Policy.

RECOMMENDATION: Adopt Resolution No. 2012-0106, amending Authority Policy 8.30 to provide policy clarifications to Airport Land Use Commission practices.

(Planning and Operations: Angela Shafer-Payne, Vice President)

CLAIMS

6. AUTHORIZE THE REJECTION OF THE CLAIM OF THE SAN DIEGO UNIFIED PORT DISTRICT:

The Board is requested to reject the claim.

RECOMMENDATION: Adopt Resolution No. 2012-0107, authorizing the rejection of the claim of the San Diego Unified Port District regarding Carl Wayne Hopkins.

(Legal: Breton Lobner, General Counsel)

7. AUTHORIZE THE REJECTION OF THE CLAIM OF DIEGO CONCESSION GROUP, LLC:

The Board is requested to reject the claim.

RECOMMENDATION: Adopt Resolution No. 2012-0108, authorizing the rejection of the claim of Diego Concession Group, LLC.

(Legal: Breton Lobner, General Counsel)

7.1 CONSENT TO THE SALE OF ONE HUNDRED PERCENT OF THE MEMBERSHIP INTEREST OF LANDMARK AVIATION FBO HOLDING, LLC, TO LM U.S. MEMBER LLC:

The Board is requested to consent to the sale.

RECOMMENDATION: Adopt Resolution No. 2012-0113, authorizing the President/CEO, on determination that the sale of the membership interest in Landmark Aviation FBO Holding, LLC to LM U.S. Member LLC serves the interests of the Authority, to execute documents consenting to the sale.

(Legal: Breton Lobner, General Counsel)

COMMITTEE RECOMMENDATIONS

CONTRACTS AND AGREEMENTS

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

**8. APPROVE AND AUTHORIZE THE PRESIDENT/CEO TO EXECUTE A
LANDSCAPING MAINTENANCE AGREEMENT:**

The Board is requested to approve and authorize an agreement.

RECOMMENDATION: Adopt Resolution No. 2012-0109, approving and authorizing the President/CEO to execute a landscaping maintenance agreement with TruGreen LandCare 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 \$1,589,757.00, to provide landscape maintenance services, at San Diego International Airport.

(Facilities Management: Wayne Harvey, Director)

**9. AWARD A CONTRACT TO GRANITE CONSTRUCTION COMPANY,
TO CONSTRUCT SOUTH SIDE SITE PROTECTION WITHIN THE
FORMER TELEDYNE RYAN SITE, AT SAN DIEGO INTERNATIONAL
AIRPORT:**

The Board is requested to award a contract.

RECOMMENDATION: Adopt Resolution No. 2012-0110, awarding a contract to Granite Construction Company, in the amount of \$2,769,751, for Project

No. 104126, South Side Site Protection within the former Teledyne Ryan site, at San Diego International Airport.

(Facilities Development: Iraj Ghaemi, Director)

OLD BUSINESS:

NEW BUSINESS:

**10. UPDATE AND POSSIBLE ACTION REGARDING GROUND
TRANSPORTATION:**

The Board is requested to receive the update and take possible action.

RECOMMENDATION: Receive the update and take possible action.

(Planning and Operations: Angela Shafer-Payne, Vice President)

11. RENEWAL OF THE EMPLOYEE BENEFIT PROGRAM(S) FOR 2013:

The Board is requested to approve the employee benefit program.

RECOMMENDATION: The Executive Personnel and Compensation Committee recommends that the Board adopt Resolution No. 2012-0112, approving the renewal of the Employee Benefit Program(s) for 2013.

(Organizational Performance & Development: Jeff Lindeman, Senior Director)

PUBLIC HEARINGS:

12. AUTHORIZE THE IMPLEMENTATION AND COLLECTION OF AN ALTERNATIVE CUSTOMER FACILITY CHARGE RATE PURSUANT TO CALIFORNIA CIVIL CODE §1936:

The Board is requested to authorize the Alternative Customer Facility Charge.

RECOMMENDATION: Adopt Resolution No. 2012-0111, authorizing the implementation and collection of an alternative customer facility charge pursuant to California Civil Code §1936(m)(2) in the amount of \$6.00 per transaction day effective November 1, 2012; \$7.50 per transaction day effective January 1, 2014; and \$9.00 per transaction day effective January 1, 2017, for purposes of financing the design and construction of a consolidated rental car facility and the design, construction and operation of the associated common use transportation system.

(Finance: Vernon Evans, Vice President/Treasurer)

CLOSED SESSION:

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 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)

- 15. 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
- 16. 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
- 17. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION:**
Initiation of litigation pursuant to subdivision (c) of §54956.9: (1 case)
- 18. 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]
- 19. 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
- 20. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION:**
Initiation of litigation pursuant to subdivision (c) of Section 54956.9: (1 case)
- 21. 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

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>
November 1	Thursday	9:00 A.M.	Regular	Board Room
December 6	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: 9/28/12

SIGNATURE: 