

SAN DIEGO COUNTY REGIONAL AIRPORT AUTHORITY



BOARD MEMBERS

BRUCE R. BOLAND
JIM DESMOND
RAMONA FINNILA*
JIM PANKNIN
TOM SMISEK
ROBERT J. WATKINS*
ANTHONY K. YOUNG
CHARLENE ZETTEL
* EXECUTIVE COMMITTEE

EX OFFICIO BOARD MEMBERS

PEDRO ORSO-DELGADO
THOMAS L. SHEEHY

PRESIDENT/CEO
THELLA F. BOWENS

BOARD

AGENDA

Thursday, June 4, 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:

PRESENTATION(S):

A. PRESENTATION ON CROSS BORDER TERMINAL WITH TIJUANA AIRPORT:

Presented by Mark Rowson, Land Development Strategies, Inc.

B. 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 May 8, 2009 and May 14, 2009 special 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 the appointments.
RECOMMENDATION: Adopt Resolution No. 2009-0075, approving the appointments of Dirk Mathiasen and Gary Geis as members of the Airport Advisory Committee.
(Noise: Dan Frazee, Director)
4. **WRITE-OFF OF UNCOLLECTIBLE DEBT OWED BY ZOOM AIRLINES, LIMITED:**
The Board is requested to approve the Write-Off.
RECOMMENDATION: Adopt Resolution No. 2009-0076, authorizing the write-off of \$81,219.21 in uncollectible debt owed by Zoom Airlines, Limited.
(Finance/Treasurer: Vernon Evans, Vice President)
5. **JUNE 2009 LEGISLATIVE REPORT:**
The Board is requested to approve the report.
RECOMMENDATION: Adopt Resolution No. 2009-0077, approving the June 2009 Legislative report.
(Inter-Governmental Relations: Michael Kulis, Director)

CLAIMS

6. **RESOLUTION AUTHORIZING THE REJECTION OF THE CLAIM OF REYNALDO TAPIA:**
The Board is requested to reject the claim.
RECOMMENDATION: Adopt Resolution No. 2009-0078, authorizing the rejection of the claim of Reynaldo Tapia.
(Legal: Breton Lobner, General Counsel)
7. **RESOLUTION AUTHORIZING THE REJECTION OF THE CLAIM OF MARGARET BAILEY:**
The Board is requested to reject the claim.
RECOMMENDATION: Adopt Resolution No. 2009-0079, authorizing the rejection of the claim of Margaret Bailey.
(Legal: Breton Lobner, General Counsel)

COMMITTEE RECOMMENDATIONS

8. **FISCAL YEAR 2009 THIRD QUARTER AUDIT ACTIVITIES REPORT, AND REPORT ON AUDIT RECOMMENDATIONS ISSUED BY THE OFFICE OF THE CHIEF AUDITOR:**
The Board is requested to receive the information.
RECOMMENDATION: The Audit Committee recommends that the Board receive the information.
(Audit: Mark A. Burchyett, Chief Auditor)

9. **FISCAL YEAR 2010 AUDIT PLAN OF THE OFFICE OF THE CHIEF AUDITOR:**
The Board is requested to accept the plan.
RECOMMENDATION: The Audit Committee recommends that the Board accept the plan.
(Audit: Mark A. Burchyett, Chief Auditor)

CONTRACTS AND AGREEMENTS

10. **AWARDED CONTRACTS, APPROVED CHANGE ORDERS FROM APRIL 6, 2009 THROUGH MAY 3, 2009 AND REAL PROPERTY AGREEMENTS GRANTED AND ACCEPTED FROM APRIL 6, 2009 THROUGH MAY 3, 2009:**
The Board is requested to receive the report.
RECOMMENDATION: Receive the report.
(Procurement: Jana Vargas, Director)
11. **AWARD A CONTRACT TO LEDCOR CONSTRUCTION, INC., FOR THE CONSTRUCTION AND INSTALLATION OF A REPLACEMENT AIRPORT AMBASSADOR SERVICE COUNTER IN TERMINAL 1:**
The Board is requested to award the contract.
RECOMMENDATION: Adopt Resolution No. 2009-0080, awarding a contract to Ledcor Construction, Inc., in the amount of \$97,100, for Project No. 104043, Remodel Volunteer Center, Terminal 1, at San Diego International Airport ("SDIA").
(Facilities Development: Iraj Ghaemi, Director)
12. **AUTHORIZE THE PRESIDENT/CEO TO AWARD AND EXECUTE A CONTRACT TO INSTALL SECURITY CAMERAS IN THE BAGGAGE MAKE-UP AREA, IN ALL TERMINALS:**
The Board is requested to authorize the President/CEO to award the contract.
RECOMMENDATION: Adopt Resolution No. 2009-0081, authorizing the President/CEO to award and execute a contract to Install Security Cameras in the Baggage Make-up Area, Project No. 104073, in all Terminals at San Diego International Airport ("SDIA"), for a not-to-exceed value of \$250,000.00.
(Facilities Development: Iraj Ghaemi, Director)
13. **AUTHORIZE THE PRESIDENT/CEO TO AWARD AND EXECUTE A CONTRACT TO CONSTRUCT A SECURITY EQUIPMENT COMPUTER SERVER ROOM AND INSTALL ADDITIONAL SECURITY CAMERAS AT SECURITY CHECKPOINTS IN ALL TERMINALS:**
The Board is requested to authorize the President/CEO to award the contract.
RECOMMENDATION: Adopt Resolution No. 2009-0082, authorizing the President/CEO to award and execute a Contract for Project No. 104073, Construct a Security Server Room and Install Terminal Checkpoint Cameras, at San Diego International Airport ("SDIA"), for a not-to-exceed value of \$300,000.00.
(Facilities Development: Iraj Ghaemi, Director)

14. RESOLUTIONS AUTHORIZING THE GRANTING OF TWO EASEMENTS FOR INSTALLATION OF EQUIPMENT AND METER ACCESS BY SAN DIEGO GAS & ELECTRIC COMPANY AND FOR THE VACATION OF EXISTING EASEMENTS FOR THE REMOVAL OF UNNECESSARY EQUIPMENT IN CONJUNCTION WITH AUTHORITY'S 12KV PROJECT:

The Board is requested to authorize the granting of two easements.

RECOMMENDATION: 1) Adopt Resolution No. 2009-0086 authorizing the granting of an Easement to San Diego Gas and Electric Company ("SDG&E") for electrical service to San Diego International Airport associated with the Authority's 12kv project and requiring the removal of unnecessary equipment and vacation of associated existing Easements; and, 2) Adopt Resolution No. 2009-0087 authorizing the granting of an Easement to San Diego Gas and Electric Company ("SDG&E") for 12kv meter access at San Diego International Airport; both for terms commensurate with the remaining or extended term of the Authority's Lease from the San Diego Unified Port District (currently expiring December 31, 2068).

(Finance/Treasurer: Vernon Evans, Vice President)

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

PUBLIC HEARINGS:

NEW BUSINESS:

15. AUTHORIZE THE PRESIDENT/CEO TO EXECUTE CHANGE ORDERS FOR THE NAVAL TRAINING CENTER LANDFILL REMEDIATION PROJECT TO COVER COSTS FOR ADDITIONAL REMEDIATION AND UNKNOWN CONDITIONS:

The Board is requested to authorize the President/CEO to execute change orders.

RECOMMENDATION: Adopt Resolution No. 2009-0083, authorizing the President/CEO to execute change orders for the Naval Training Center ("NTC") Landfill Remediation-Phase II Project in an amount not to exceed \$3,800,000 for Project No. 103044, to cover costs for additional remediation and unknown conditions, at San Diego International Airport ("SDIA").

(Facilities Development: Iraj Ghaemi, Director)

- 16. AUTHORIZE THE PRESIDENT/CEO TO AWARD A CONTRACT TO JACOBS CONSULTANCY INC., FOR FACILITY COMMISSIONING SERVICES ASSOCIATED WITH THE CAPITAL IMPROVEMENT PROGRAM AND TERMINAL DEVELOPMENT PROGRAM TO OPTIMIZE THE DELIVERY OF NEW FACILITIES FROM VARIOUS CONTRACTORS TO THE AUTHORITY:**
The Board is requested to authorize the President/CEO to award the contract.
RECOMMENDATION: Adopt Resolution No. 2009-0084, authorizing the President/CEO to award a contract to Jacobs Consultancy Inc., for facility commissioning services associated with the Capital Improvement Program and Terminal Development Program to optimize the delivery of new facilities from various Contractors to the Authority for an initial term of three years; with two one year extensions; funded in an amount not-to-exceed \$7,000,000 for the first three years.
(Facilities Management: Wayne Harvey, Director)
- 17. DISCUSSION AND PROPOSED ADOPTION OF THE OPERATING BUDGET FOR FISCAL YEAR 2010 AND THE CAPITAL IMPROVEMENT PROGRAM BUDGET; AND AMEND POLICY 4.01 – ADOPTION OF BUDGET:**
The Board is requested to adopt the budgets.
RECOMMENDATION: Adopt Resolution No. 2009-0085, approving the Authority's Annual Operating Budget for Fiscal Year 2010, approving the Capital Improvement Program (CIP) Budget, and amending Authority Policy 4.01 – Adoption of Budget.
(Finance/Treasurer: Vernon Evans, Vice President)
- 18. BOARD DISCUSSION AND POSSIBLE ACTION REGARDING THE POSSIBLE IMPLEMENTATION OF A PROJECT LABOR AGREEMENT FOR THE TERMINAL DEVELOPMENT PROGRAM:**
The Board is requested to provide direction to staff.
RECOMMENDATION: Discussion and possible action regarding the use of a Project Labor Agreement ("PLA") for the Terminal Development Program.
(Development: Bryan Enarson, Vice President)

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

STANDING BOARD COMMITTEES

- **AUDIT COMMITTEE:**
Committee Members: Smisek, Watkins, Young, Zettel (Chair), Tartre, Buck, Van Sambeek
- **EXECUTIVE PERSONNEL AND COMPENSATION COMMITTEE:**
Committee Members: Boland, Desmond, Watkins (Chair), Zettel

- **FINANCE COMMITTEE:**
Committee Members: Panknin, Sheehy (Ex-Officio), Watkins, Young
- **TERMINAL DEVELOPMENT PROGRAM COMMITTEE:**
Committee Members: Boland (Chair), Finnila, Orso Delgado, Panknin (Vice Chair), Sheehy (Ex-Officio)

AD HOC COMMITTEE

- **RASP/AMAP AD HOC COMMITTEE:**
Committee Members: Desmond, Finnila (Chair), Boland (Vice Chair), Panknin, Orso Delgado (Ex-Officio)

LIAISONS

- **MILITARY AFFAIRS LIAISONS:**
Liaisons: Boland (Primary), Panknin
- **AVIATION TECHNOLOGICAL ADVANCES:**
Liaisons: Desmond (Primary), Smisek
- **CALTRANS:**
Representative: Orso-Delgado

BOARD REPRESENTATIVES

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

CLOSED SESSION:

19. **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

- 20. CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION:**
Pursuant to Government Code Section 54956.9(b)
Number of cases: 1
Facts and circumstances exist causing significant exposure to litigation in accordance with Section 54956.9(b)(3(B)). These facts are known by potential plaintiff Gameday Media Properties, Inc. ("Gameday") and are as follows: a disagreement exists between the Authority and Gameday regarding the close out audit of the concession agreement.
- 21. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION:**
Pursuant to Government Code Section 54956.9(a):
Kenneth Quilantang v. San Diego County Regional Airport Authority, et al., San Diego Superior Court Case No. 37-2008-00092986-CU-PO-CTL
- 22. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION:**
Initiation of litigation pursuant to Cal. Gov. Code §54956.9(c).
Number of potential cases: 1 (Nazbest-Pacific).
- 23. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION:**
Initiation of litigation pursuant to Cal. Gov. Code §54956.9(c).
Number of potential cases: 1 (Galaxy).
- 24. 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)
- 25. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION:**
Pursuant to Government Code Section 54956.9(a).
Majors v. Transportation Security Administration et al., U.S.D.C. So. Dist., Case No. 08 CV 2032 IEG POR.
- 26. CONFERENCE WITH REAL PROPERTY NEGOTIATORS:**
Real property negotiations pursuant to Cal. Gov. Code §§54954.5(b) and §54956.8.
Property: 1470 Bay Boulevard, Chula Vista, CA 91911
Agency Negotiators: Vernon D. Evans, Vice President, Finance/Treasurer
Negotiating Parties: GGTW, LLC
Under Negotiation: Sales and/or Lease – terms of payment and conditions.

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 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 two 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				
Date	Day	Time	Meeting Type	Location
July 9	Thursday	9:00 a.m.	Special	Board Room
September 3	Thursday	9:00 a.m.	Regular	Board Room
October 1	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 1:45 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: 5/29/09

SIGNATURE: Sara B. Real