

SAN DIEGO COUNTY REGIONAL AIRPORT AUTHORITY



SPECIAL BOARD MEETING

AGENDA

Thursday, July 9, 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.***

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

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. **GOVERNMENT FINANCE OFFICERS ASSOCIATION DISTINGUISHED FINANCIAL REPORTING AWARD PRESENTATION FOR 2008:**
Presented by Vernon Evans, Vice President, Finance/Treasurer
- 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 June 4, 2009 meeting.
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. **AMEND THE AIRPORT AUTHORITY'S RECORDS RETENTION SCHEDULE:**
The Board is requested to approve the amendments.
RECOMMENDATION: Adopt Resolution No. 2009-0088, approving amendments to the Authority's Records Retention Schedule.
(Corporate Services: Tony Russell, Director/Authority Clerk)

4. **JULY 2009 LEGISLATIVE REPORT:**
The Board is requested to approve the report.
RECOMMENDATION: Adopt Resolution No. 2009-0089, approving the July 2009 Legislative report.
(Inter-Governmental Relations: Michael Kulis, Director)

CLAIMS

5. **RESOLUTION AUTHORIZING THE REJECTION OF THE CLAIM OF LINROD ZEPHERIN:**
The Board is requested to reject a claim.
RECOMMENDATION: Adopt Resolution No. 2009-0090, rejecting the claim of Linrod Zepherin.
(Legal: Suzie Johnson, Paralegal)

COMMITTEE RECOMMENDATIONS

CONTRACTS AND AGREEMENTS

6. **AWARDED CONTRACTS, APPROVED CHANGE ORDERS FROM MAY 4, 2009 THROUGH JUNE 7, 2009 AND REAL PROPERTY AGREEMENTS GRANTED AND ACCEPTED FROM MAY 4, 2009 THROUGH JUNE 7, 2009:**
The Board is requested to receive the report.
RECOMMENDATION: Receive the report.
(Procurement: Jana Vargas, Director)

7. **AWARD A CONTRACT TO SIERRA PACIFIC WEST, INC. TO CONSTRUCT NTC ACCESS IMPROVEMENTS AT MCCAIN ROAD AND HARBOR DRIVE FOR SAN DIEGO INTERNATIONAL AIRPORT:**
The Board is requested to award the contract.
RECOMMENDATION: Adopt Resolution No. 2009-0091, awarding a contract to Sierra Pacific West, Inc. in the amount of \$610,000.25, for Project No. 103066, NTC Access Improvements at San Diego International Airport.
(Facilities Development: Iraj Ghaemi, Director)

8. **AUTHORIZE THE AWARD OF UP TO TWO AGREEMENTS FOR GENERAL LEGAL SERVICES TO (TO BE DETERMINED) OR, IN THE ALTERNATIVE, PENDING A NEW REQUEST FOR PROPOSAL PROCESS, THE EXTENSION OF AGREEMENT 200007-OS WITH MORRISON & FOERSTER, LLP, FOR A PERIOD OF TWO (2) MONTHS, TO EXPIRE NO LATER THAN SEPTEMBER 30, 2009:**

The Board is requested to award an agreement or authorize the extension of the agreement.

RECOMMENDATION: Adopt Resolution No. 2009-0092, authorizing the award of up to two agreements for general legal services with (TO BE DETERMINED) for a term of one (1) year with two (2) one-year options to renew at the discretion of the President/CEO for which the compensation shall not exceed \$300,000 for each agreement or, in the alternative, pending a new RFP process, authorizing the extension of agreement 200007-OS with Morrison & Foerster, LLP for a period of two (2) months, to expire no later than September 30, 2009.

(Legal: Suzie Johnson, Paralegal)

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

9. **AWARD A CONTRACT TO S&L SPECIALTY CONTRACTING, INC. FOR QUIETER HOME PROGRAM PHASE 4, GROUP 12 (57 WEST SIDE UNITS; 53 NON-HISTORIC AND 4 HISTORIC):**

The Board is requested to award a contract.

RECOMMENDATION: Adopt Resolution No. 2009-0093, awarding a contract to S&L Specialty Contracting Inc., in the amount of \$1,886,550.00, for Phase 4, Group 12, Project No. 380412, of the San Diego County Regional Airport Authority's Quieter Home Program.

(Facilities Development: Iraj Ghaemi, Director)

PUBLIC HEARINGS:

NEW BUSINESS:

10. **RECEIVE PRESENTATION OF CONCEPTS FOR THE TERMINAL DEVELOPMENT PROGRAM AND PROGRAM BUDGET AND: (1) AUTHORIZE THE PROGRAM BUDGET; (2) SELECT DESIGN OPTIONS; (3) AUTHORIZE PRESIDENT/CEO TO EXECUTE TASK AUTHORIZATIONS FOR DESIGN PHASE SERVICES AND WORK AUTHORIZATIONS FOR CONSTRUCTION PHASE SERVICES, AND (4) AUTHORIZE PROGRAM FUNDING:**

The Board is requested to authorize the President/CEO to execute task authorizations.

RECOMMENDATION:

Adopt Resolution No. 2009-0094, authorizing the President/CEO to proceed with full design and construction, using Design Option 2, for Contract 1 - Terminal 2 West Building and Airside Expansion at San Diego International Airport, subject to receipt of all required permits; and

Adopt Resolution No. 2009-0095, authorizing the President/CEO to proceed with full design and construction using Design Option 2 for Contract 2 - Terminal 2 Elevated Departure Curb / Transit Plaza and Landside Modifications at San Diego International Airport, subject to receipt of all required permits; and

Adopt Resolution No. 2009-0096, authorizing the maximum budget for the Terminal Development Program at San Diego International Airport in an amount not to exceed eight hundred sixty-five million dollars (\$865,000,000); and

Adopt Resolution No. 2009-0097, authorizing the President/CEO to execute Task Authorizations for design-phase services under Contract 1 - Terminal 2 West Building and Airside Expansion at San Diego International Airport, in an amount not to exceed fifty-two million two hundred thousand dollars (\$52,200,000); and

Adopt Resolution No. 2009-0098, authorizing the President/CEO to execute Work Authorizations for construction-phase services under Contract 1 - Terminal 2 West Building and Airside Expansion at San Diego International Airport, in an amount not to exceed fifty-eight million two hundred fifty thousand dollars (\$58,250,000), subject to receipt of all required permits; and

Adopt Resolution No. 2009-0100, authorizing the President/CEO to execute Task Authorizations for design-phase services under Contract 2 - Terminal 2 Elevated Departure Curb / Transit Plaza and Landside Modifications at San Diego International Airport, in an amount not to exceed thirty-two million one hundred twenty thousand dollars (\$32,120,000); and

Adopt Resolution No. 2009-0101, authorizing the President/CEO to execute Work Authorizations for construction-phase services under Contract 2 - Terminal 2 Elevated Departure Curb / Transit Plaza and Landside Modifications at San Diego International Airport, in an amount not to exceed one million three hundred eighty thousand dollars (\$1,380,000), subject to receipt of all required permits; and

Adopt Resolution No. 2009-0102, authorizing funding for the Task Authorizations and Work Authorizations covered by Resolutions 2009-0097 and 2009-0098 for Contract 1 - Terminal 2 West Building and Airside Expansion, and Resolutions 2009-0100 and 2009-0101 for Contract 2 - Terminal 2 Elevated Departure Curb / Transit Plaza and Landside Modifications at San Diego International Airport, in a total amount not to exceed one hundred forty-three million nine hundred fifty thousand dollars (\$143,950,000).

(Terminal Development Program: Steve Cornell, Director)

11. AUTHORIZE THE PRESIDENT/CEO TO AWARD A CONTRACT TO JACOBS CONSULTANCY INC. FOR THE DEVELOPMENT AND IMPLEMENTATION OF A LIFE CYCLE FACILITY MANAGEMENT PROGRAM TO OPTIMIZE THE DELIVERY, OPERATION, AND MANAGEMENT OF NEW AND EXISTING FACILITIES AT SAN DIEGO INTERNATIONAL AIRPORT:

The Board is requested to authorize the award of a contract.

RECOMMENDATION: Adopt Resolution No. 2009-0099, authorizing the President/CEO to award a contract to Jacobs Consultancy Inc., for the development and implementation of a Life Cycle Facility Management Program to optimize the delivery, operation, and long term management of new and existing facilities, at San Diego International Airport ("SDIA"), for an initial term of three years, with two one year extensions; funded in an amount not to exceed \$7,000,000.00 for the first three years.

(Facilities Management: Wayne Harvey, Director)

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:

- 12. PUBLIC EMPLOYEE PERFORMANCE EVALUATION (Government Code 54957):**
Title: President/CEO, General Counsel & Chief Auditor
- 13. 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
- 14. 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.
- 15. 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
- 16. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION:**
Initiation of litigation pursuant to Cal. Gov. Code §54956.9(c).
Number of potential cases: 1 (Nazbest-Pacific).
- 17. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION:**
Initiation of litigation pursuant to Cal. Gov. Code §54956.9(c).
Number of potential cases: 1 (Galaxy).

- 18. 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)

- 19. 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.

- 20. CONFERENCE WITH REAL PROPERTY NEGOTIATORS:**
Real Property Negotiations pursuant to Cal. Gov. Code sections 54954.5(b) and
section 54956.8.
Property: 1.15 acre parcel located at the northern terminus of 13th Street in
Imperial Beach
Agency Negotiators: Vernon D. Evans, Vice President, Finance/Treasurer
Under Negotiation: Sale – 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
September 3	Thursday	9:00 a.m.	Regular	Board Room
October 1	Thursday	9:00 a.m.	Regular	Board Room
November 5	Thursday	9:00 a.m.	Regular	Board Room

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 3:30 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: 7/2/09

SIGNATURE: Sara B. Real