



# San Diego Unified Port District

3165 Pacific Hwy.  
San Diego, CA 92101

## Meeting Minutes

### Board of Port Commissioners

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Tuesday, December 10, 2019

10:00 AM

Don L. Nay Port Administration Boardroom

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#### Closed Session

#### A. Roll Call.

**Present:** 7 - Commissioner Bonelli, Chairperson Bonelli, Commissioner Castellanos, Commissioner Merrifield, Chairperson Moore, Commissioner Valderrama, and Commissioner Zucchet

**Excused:** 1 - Commissioner Malcolm

**Absent:** 0

*Commissioner Zucchet was excused until he arrived at 10:30 am.*

*Officers Present: Coniglio, DeAngelis, Monson, Morales, and Russell*

#### B. Public Communications.

*The following member(s) of the public addressed the Board with non agenda-related comments: None*

#### **CLOSED SESSION**

*Thomas A. Russell, General Counsel, announced the Closed Session items as follows:*

1. [2019-0473](#) Closed Session Item No. 1

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION  
Pursuant to Subdivision (d)(1) of Government Code Section 54956.9

Enterprise Rent-A-Car Co. of Los Angeles, LLC, et al. v San Diego Unified Port District, et al.

San Diego Superior Court Case No. 37-2018-00028276-CU-MC-CTL

*No reportable action was taken on this item.*

2. [2019-0474](#) Closed Session Item No. 2

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION  
Pursuant to Subdivision (d)(1) of Government Code Section 54956.9

Enterprise Rent-A-Car Co. of Los Angeles, LLC, et al. v San Diego Unified Port District, et al.

San Diego Superior Court Case No. 37-2019-00029137-CU-MC-CTL

*No reportable action was taken on this item.*

3. [2019-0476](#) Closed Session Item No. 3

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION  
Pursuant to Subdivision (d)(1) of Government Code Section 54956.9

Regional Water Quality Control Board Investigative Order R9-2017-0081 Directing the San Diego Unified Port District and the City of San Diego to Submit Technical Reports Pertaining to an Investigation of Sediment Chemistry in San Diego Bay Adjacent to the Tenth Avenue Marine Terminal, Cesar Chavez Park and Pacific Maritime Freight

*No reportable action was taken on this item.*

4. [2019-0481](#) Closed Session Item No. 4

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION  
Significant exposure to litigation Government Code Section 54956.9(d)(2)

Two (2) Cases

*No reportable action was taken on this item.*

5. [2019-0483](#) Closed Session Item No. 5

CONFERENCE WITH LEGAL COUNSEL - INITIATION OF LITIGATION  
Pursuant to Subdivision (d)(4) of Government Code Section 54956.9

One (1) Case

*No reportable action was taken on this item.*

6. [2019-0499](#) Closed Session Item No. 6

CONFERENCE WITH REAL PROPERTY NEGOTIATOR  
Government Code Section 54956.8

Property: Approximately 150,000 square feet of unleased land at 3280 North Harbor Drive, San Diego

Negotiating Parties:

San Diego County Regional Airport Authority - Eric Podnieks  
SDUPD - Shaun Sumner, Tony Gordon, Annette Dahl, Ken Wallis

Under Negotiations: Price and Terms

*No reportable action was taken on this item.*

- 7. [2019-0484](#) Closed Session Item No. 7

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION  
Pursuant to Subdivision (d)(1) of Government Code Section 54956.9

CPUC Proceeding A.17-09-005: Application of San Diego Gas & Electric Company for Authority to Implement Rate Relief and Increase Spend in Support of the San Diego Unified Port District's Energy Management Plan

*No reportable action was taken on this item.*

- 8. [2019-0493](#) Closed Session Item No. 8

CONFERENCE WITH REAL PROPERTY NEGOTIATOR  
Government Code Section 54956.8

Property: Approximately 13,802 sqf of land area and approximately 33,079 sqf of water area located at 2540 Shelter Island Drive, in the city of San Diego CA 92106

Negotiating Parties:

High Seas Marine Enterprises, LLC - Ingrid Poole Williams, Mike Hallmark and Angela Hallmark

SDUPD - Tony Gordon, Christian Anderson, Christian de Manielle

Under Negotiations: Price and Terms

*No reportable action was taken on this item.*

- 9. [2019-0494](#) Closed Session Item No. 9

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION  
Pursuant to Subdivision (d)(1) of Government Code Section 54956.9

San Diego Unified Port District, et al. v. Monsanto Company, et al.  
United States District Court Case No. 15-CV-0578 WQH (JLB)

*No reportable action was taken on this item.*

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*Secretary, Board of Port Commissioners  
San Diego Unified Port District*

ATTEST:

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*Clerk of the San Diego Unified Port District*