



# San Diego Unified Port District

3165 Pacific Hwy.  
San Diego, CA 92101

## Meeting Agenda Board of Port Commissioners

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Tuesday, October 10, 2017

10:00 AM

Don L. Nay Port Administration Boardroom

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### Closed Session

Please complete a Request to Speak form prior to the commencement of the meeting and submit it to the District Clerk.

Items under the Consent Agenda section are considered to be routine, and will be acted upon with one vote. If you wish for an Please note: Additional Agenda Related Information may be added to this agenda prior to 72 hours before the meeting.

Please complete a Request to Speak form prior to the commencement of the meeting and submit it to the District Clerk.

Items under the Consent Agenda section are considered to be routine, and will be acted upon with one vote. If you wish for an item to be removed from the Consent Agenda, submit your request to the District Clerk prior to the commencement of the meeting.

Agendas are available in alternative formats upon request. If you require assistance or auxiliary aids in order to participate at public meetings, please contact Office of the District Clerk at [publicrecords@portofsandiego.org](mailto:publicrecords@portofsandiego.org) or (619) 686-6206 within 24 hours of the meeting.

Any disclosable public records related to an open session item on a regular meeting agenda and distributed by the San Diego Unified Port District to all or a majority of the Board of Port Commissioners, including those records distributed less than 72 hours prior to that meeting, are available for public inspection at the Office of the District Clerk, 3165 Pacific Highway, San Diego, California during normal business hours.

For those planning to attend the Board meeting, accessible parking is available in the Port Administration Building parking lot. Overflow parking can be accommodated to the west of the Port Administration Building in the Port District Employee/Visitor parking.

For the agenda online and more information about the Commissioners' names and city representation, and future Board meeting dates, please visit our website at [www.portofsandiego.org](http://www.portofsandiego.org). As a courtesy to all who attend these public meetings, please turn all cell phones to off or vibrate before entering the Board Room.

**A. Roll Call.****B. Public Communications.**

*Please limit comments to 3 minutes per speaker. No actions may be taken on these items.*

**CLOSED SESSION**

1.     [2017-0490](#)     Closed Session Item No. 1

PUBLIC EMPLOYEE PERSONNEL EVALUATION:  
GENERAL COUNSEL  
Government Code Section 54957

2.     [2017-0517](#)     Closed Session Item No. 2

CONFERENCE WITH LABOR NEGOTIATORS  
Government Code Section 54957.6

Agency Negotiator: Robert Valderrama  
Unrepresented Employee: General Counsel

3.     [2017-0512](#)     Closed Session Item No. 3

CONFERENCE WITH REAL PROPERTY NEGOTIATOR  
Government Code Section 54956.8

Property: Approximately 9-acre site adjacent to the East Basin Industrial Subarea on Harbor Island located in the City of San Diego, California  
Negotiating Parties:  
Sunroad HIE Hotel Partners, L.P. - Uri Feldman  
SDUPD - Shaun Sumner, Anthony Gordon, Adam Meyer, Wendy Ong, Sean Jones

Under Negotiations: Price and Terms

4.     [2017-0513](#)     Closed Session Item No. 4

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

San Diego Unified Port District v. The California Coastal Commission, et al.  
San Diego Superior Court Case No. 37-2015-00034288-CU-WM-CTL

5.     [2017-0491](#)     Closed Session Item No. 5

CONFERENCE WITH REAL PROPERTY NEGOTIATOR  
Government Code Section 54956.8

Property:   Approximately 146,070 square feet of tideland area located at 1220 Pacific Highway in the City of San Diego, California and approximately 20,743 square feet of tideland area located at the corner of Pacific Highway and Harbor Drive in the City of San Diego, California

Negotiating Parties:

United States Navy - Joe Stuyvesant

SDUPD - Randa Coniglio, Shaun Sumner, Tony Gordon

Under Negotiations: Price and Terms

6.     [2017-0492](#)     Closed Session Item No. 6

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

United States of America v. 1.647 Acres; San Diego Unified Port District, et al.

United States District Court Case No. 15-CV-01859-L-DHB

7.     [2017-0510](#)     Closed Session Item No. 7

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

SLPR LLC, et al. v. San Diego Unified Port District and State of California, et al.

San Diego Superior Court Case No. GIC 860766-1 [Consolidated with 37-2008-000791750-CU-OR-CTL and 37-2016-00025353-CU-EI-CTL]

8.     [2017-0495](#)     Closed Session Item No. 8

CONFERENCE WITH REAL PROPERTY NEGOTIATOR  
Government Code Section 54956.8

Property:   SDUPD - Approximately 163,589 square feet of tideland area  
and 956,867 square feet of water located at 2040 Harbor Island Drive in  
the City of San Diego, California

Negotiating Parties:

HIW Associates, LP - Eric Leslie

SDUPD - Shaun Sumner, Anthony Gordon, Adam Meyer, Sean Jones

Under Negotiations: Price and Terms

9.     [2017-0518](#)     Closed Session Item No. 9

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

**10.**     [2017-0519](#)     Closed Session Item No. 10**CONFERENCE WITH REAL PROPERTY NEGOTIATOR**  
**Government Code Section 54956.8**

Property: Planning District 3 - The unleased and unencumbered areas of Centre City Embarcadero planning area to include fifteen separate kiosk installations with footing dimensions of approximately 38 inches by 58 inches, including but not limited to utilities and other infrastructure at the following approximate locations:

1. North Embarcadero - Embarcadero area on the west side of North Harbor Drive, north of the entrance to the Maritime Museum of San Diego, or within approximately 15 feet of the following coordinates: 32°43'16.2"N 117°10'24.4"W.
2. North Embarcadero - Embarcadero area on the west side of North Harbor Drive southwest of the intersection of West Ash Street and North Harbor Drive, or within approximately 15 feet of the following coordinates: 32°43'10.8"N 117°10'24.2"W.
3. North Embarcadero - Embarcadero area on the east side of North Harbor Drive southeast of the intersection of West Ash Street and North Harbor Drive, adjacent the northwest corner of the Wyndham San Diego Bayside Hotel, and within approximately 15 feet of the following coordinates: 32°43'10.9"N 117°10'22.6"W.
4. B Street Pier - Embarcadero area on the west side of North Harbor Drive south of the exit point to the B Street Pier, or within approximately 15 feet of the following coordinates: 32°43'00.7"N 117°10'24.0"W.
5. Lane Field Park - Northeast corner of Lane Field Park on the east side of North Harbor Drive, west of the terminus of Bayfront Court adjacent the Residence Inn by Marriott San Diego Hotel, and within approximately 15 feet of the following coordinates: 32°43'00.7"N 117°10'20.9"W.
6. Lane Field Park - Northeast corner at the intersection of West Broadway and North Harbor Drive, southwest of Lane Field Park, and within approximately 15 feet of the following coordinates: 32°42'57.3"N 117°10'22.2"W.
7. San Diego Visitor Information Center - Embarcadero area on the west side of North Harbor Drive, south of the intersection of West Broadway and North Harbor Drive, north of the San Diego Visitor Information Center operated by Old Town Trolley Tours of San Diego, and within approximately 15 feet of the following coordinates: 32°42'55.8"N 117°

10'24.1"W.

8. Navy Pier - Embarcadero area on the west side of North Harbor Drive south of the exit to Navy Pier, and within approximately 15 feet of the following coordinates: 32°42'50.8"N 117°10'24.0"W.

9. Tuna Harbor - Southwest of the Embracing Peace statue, east of the Salute to Bob Hope and Military, north of the sidewalk and within approximately 15 feet of the following coordinates: 32°42'45.9"N 117°10'31.1"W.

10. Tuna Harbor Entrance - Embarcadero area on the west side of North Harbor Drive north of the entrance to Tuna Harbor, and within approximately 15 feet of the following coordinates: 32°42'45.2"N 117°10'24.4"W.

11. Ruocco Park - Embarcadero area at the southwest corner of the intersection of Pacific Highway and West Harbor Drive, or within approximately 15 feet of the following coordinates: 32°42'40.9"N 117°10'16.4"W.

12. Embarcadero Marina Park North - Embarcadero Marina Park North entrance area west of Kettner Boulevard, or within approximately 15 feet of the following coordinates: 32°42'30.0"N 117°10'11.5"W.

13. West Harbor Drive at First Avenue - Northeast corner of the intersection of First Avenue and West Harbor Drive, and within approximately 15 feet of the following coordinates: 32°42'32.4"N 117°09'50.4"W.

14. West Harbor Drive at Fifth Avenue - Northeast corner of the intersection of Fifth Avenue and West Harbor Drive, and within approximately 15 feet of the following coordinates: 32°42'25.0"N 117°09'37.1"W.

15. West Harbor Drive at Park Boulevard - Southwest corner of the intersection of Park Boulevard and West Harbor Drive, and within approximately 15 feet of the following coordinates: 32°42'17.8"N 117°09'28.8"W.

Negotiating Parties:

OBMSMG, LLC - Pete Scantland

SDUPD - Randa Coniglio, T. Scott Edwards, Ken Wallis, Annette Dahl

Under Negotiations: Price and Terms

11.    [2017-0497](#)    Closed Session Item No. 11

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

Two (2) Cases

12.    [2017-0496](#)    Closed Session Item No. 12

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

Three (3) Cases