



# San Diego Unified Port District

3165 Pacific Hwy.  
San Diego, CA 92101

## Meeting Minutes

### Board of Port Commissioners

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Tuesday, October 9, 2018

10:00 AM

Don L. Nay Port Administration Boardroom

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#### Closed Session

#### A. Roll Call.

**Present:** 5 - Commissioner Bonelli, Chairperson Castellanos, Commissioner Merrifield, Commissioner Valderrama, and Commissioner Zucchet

**Excused:** 2 - Commissioner Malcolm, and Commissioner Moore

**Absent:** 0

*Commissioner Merrifield was excused until he arrived at 10:10 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. [2018-0469](#) Closed Session Item No. 1

THREAT TO PUBLIC SERVICES OR FACILITIES  
Government Code Section 54957

Consultation with San Diego Harbor Police Department; Assistant Chief of Police, Homeland Security Program Manager - SDUPD

*No reportable action was taken on this item.*

2. [2018-0452](#) Closed Session Item No. 2

CONFERENCE WITH REAL PROPERTY NEGOTIATOR  
Government Code Section 54956.8

Property: SDUPD - Parcels of land totaling approximately 147,642 square feet, 45,590 square feet, and 25,643 square feet located adjacent to

Convention Way between Marina Park Way and Park Blvd in the City of San Diego, California

Negotiating Parties:

Fifth Avenue Landing, LLC - Arthur E. Engel and Raymond A. Carpenter

SDUPD - Lucy Contreras, Adam Meyer, Tony Gordon, Shaun Sumner

Under Negotiations: Price and Terms

*No reportable action was taken on this item.*

3. [2018-0453](#)

Closed Session Item No. 3

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Significant exposure to litigation Government Code Section 54956.9(d)(2)

One (1) Case

*No reportable action was taken on this item.*

4. [2018-0466](#)

Closed Session Item No. 4

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.*

5. [2018-0451](#)

Closed Session Item No. 5

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Pursuant to Subdivision (d)(1) of Government Code Section 54956.9

San Diego Unified Port District v. California Coastal Commission, et al.

San Diego Superior Court Case No. 37-2015-00034288-CU-WM-CTL

Court of Appeal, Fourth District, Division One, Case No. D072954  
(Appeal)

California Coastal Commission, Defendant and Appellant

v. San Diego Unified Port District, Plaintiff and Respondent

Sunroad Marina Partners, L.P., Real Party in Interest

*Chairman Castellanos recused himself and did not participate in this item. No reportable action was taken on this item.*

6. [2018-0467](#)

Closed Session Item No. 6

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

San Diego Unified Port District v. Landmark Insurance Company, et al.  
United States District Court Case No. 15-CV-1401 BEN-MDD

*No reportable action was taken on this item.*

7. [2018-0450](#) Closed Session Item No. 7

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

One (1) Case

*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*