



San Diego Unified Port District

3165 Pacific Hwy.
San Diego, CA 92101

Meeting Minutes

Board of Port Commissioners

Tuesday, October 8, 2019

10:00 AM

Don L. Nay Port Administration Boardroom

Closed Session

A. Roll Call.

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

Excused: 0

Absent: 0

Commissioner Moore was excused until she arrived at 10:07 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. [2019-0397](#) Closed Session Item No. 1

PERSONNEL EVALUATION:
EXECUTIVE DIRECTOR/PRESIDENT/CHIEF EXECUTIVE OFFICER
Government Code Section 54957

No reportable action was taken on this item.

2. [2019-0398](#) Closed Session Item No. 2

CONFERENCE WITH LABOR NEGOTIATORS
Government Code Section 54957.6

Agency Negotiator: Garry Bonelli
Unrepresented Employee: President/Chief Executive Officer/Executive
Director

No reportable action was taken on this item.

3. [2019-0394](#) Closed Session Item No. 3

PUBLIC EMPLOYEE PERSONNEL EVALUATION:
GENERAL COUNSEL
Government Code Section 54957

No reportable action was taken on this item.

4. [2019-0395](#) Closed Session Item No. 4

CONFERENCE WITH LABOR NEGOTIATORS
Government Code Section 54957.6

Agency Negotiator: Garry Bonelli
Unrepresented Employee: General Counsel

No reportable action was taken on this item.

5. [2019-0404](#) Closed Session Item No. 5

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.

6. [2019-0403](#) Closed Session Item No. 6

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.

7. [2019-0402](#) Closed Session Item No. 7

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.

8. [2019-0399](#) Closed Session Item No. 8

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

This items was not considered and will be continued to a future meeting.

9. [2019-0400](#) Closed Session Item No. 9

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

California Regional Water Quality Control Board San Diego Region
Investigative Order No. R9-2011-0036 An Order Directing San Diego
Unified Port District to Submit Technical Reports Pertaining to Shelter
Island Yacht Basin Dissolved Copper Total Maximum Daily Load

No reportable action was taken on this item.

10. [2019-0401](#) Closed Session Item No. 10

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

City of Imperial Beach, et al. v. The International Boundary & Water
Commission - United States Section, et al.
United States District Court, Case No. 3:18-CV-00457-JM-LL

This items was not considered and will be continued to a future meeting.

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

ATTEST:

Clerk of the San Diego Unified Port District