



San Diego Unified Port District

3165 Pacific Hwy.
San Diego, CA 92101

Meeting Minutes

Board of Port Commissioners

Tuesday, October 10, 2017

10:00 AM

Don L. Nay Port Administration Boardroom

Closed Session

A. Roll Call.

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

Excused: 0

Absent: 0

Commissioner Moore was excused until she arrived at 10:15 am.

Officers Present: Coniglio, DeAngelis, Russell, and Monson.

B. Public Communications.

*The following member of the public addressed the Board with agenda related comments:
Pam Wilson, Director, Scenic San Diego.*

CLOSED SESSION

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

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

PUBLIC EMPLOYEE PERSONNEL EVALUATION:
GENERAL COUNSEL
Government Code Section 54957

No reportable action was taken.

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

No reportable action was taken.

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

Commissioner Castellanos recused himself from any participation on Closed Session Item 3 - File No. 2017-0512. No reportable action was taken.

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

Commissioner Castellanos recused himself from any participation on Closed Session Item 4 - File No. 2017-0513. No reportable action was taken.

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

No reportable action was taken.

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

No reportable action was taken.

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]

No reportable action was taken.

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

No reportable action was taken.

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

No reportable action was taken.

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

No reportable action was taken.

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

No reportable action was taken.

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

Commissioner Castellanos recused himself from any participation on Closed Session Item 12.3 - File No. 2017-0496. No reportable action was taken.

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

ATTEST:

Clerk of the San Diego Unified Port District