



# San Diego Unified Port District

3165 Pacific Hwy.  
San Diego, CA 92101

## Meeting Minutes

### Board of Port Commissioners

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Wednesday, September 12, 2018

10:00 AM

Don L. Nay Port Administration Boardroom

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#### Revised Closed Session Agenda

##### A. Roll Call.

**Present:** 6 - Commissioner Bonelli, Chairperson Castellanos, Commissioner Malcolm, Commissioner Merrifield, Commissioner Moore, and Commissioner Zucchet

**Excused:** 1 - Commissioner Valderrama

**Absent:** 0

*Commissioner Malcolm was excused until he arrived at 10:05 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. [2018-0421](#) Closed Session Item No. 1

##### 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.*

2. [2018-0427](#) Closed Session Item No. 2
- 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 on this item.*
3. [2018-0422](#) Closed Session Item No. 3
- 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.*
4. [2018-0424](#) 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. [2018-0432](#) Closed Session Item No. 5
- CONFERENCE WITH REAL PROPERTY NEGOTIATOR  
Government Code Section 54956.8
- Property: SDUPD - Parcels consisting of approximately 432,741  
square feet of land area and 358,756 of water area at North side of G  
Street at terminus of both Quay Avenue and Sandpiper Way, Chula Vista;  
Parcels consisting of approximately 287,952 square feet of land area and  
95,543 square feet of water area adjacent to 1313 West 24th Street,  
National City  
Negotiating Parties: Todd Roberts and George Palermo - Marine Group  
Boat Works, LLC; Shaun Sumner, Tony Gordon, Adam Meyer, Lucy  
Contreras, Amber Jensen - SDUPD  
Under Negotiations: Price and Terms  
*No reportable action was taken on this item.*

6. [2018-0433](#) 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. 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.*

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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*