



San Diego Unified Port District

3165 Pacific Hwy.
San Diego, CA 92101

Meeting Minutes

Board of Port Commissioners

Tuesday, October 9, 2018

10:00 AM

Don L. Nay Port Administration Boardroom

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.

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

ATTEST:

Clerk of the San Diego Unified Port District