



# San Diego Unified Port District

3165 Pacific Hwy.  
San Diego, CA 92101

## Special Meeting Minutes

### Board of Port Commissioners

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Monday, February 25, 2019

10:00 AM

Don L. Nay Port Administration Boardroom

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#### Port Master Plan Update Workshop

#### A. Roll Call.

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

**Excused:** 1 - Commissioner Castellanos

**Absent:** 0

#### B. Pledge of Allegiance.

*Commissioner Valderrama led the Pledge of Allegiance.*

#### C. Public Communications.

*The following member(s) of the public addressed the Board with non agenda-related comments: Matt Everingham was called to speak but elected to postpone comment for PMPU Workshop Item A.*

### CONSENT AGENDA

**On a motion by Commissioner Malcolm, seconded by Commissioner Merrifield, the Board adopted the Consent Agenda as follows: Ordinance 2936. The motion carried by the following vote:**

**Yeas:** 6 - Bonelli, Malcolm, Merrifield, Moore, Valderrama, and Zucchet

**Nays:** 0

**Excused:** 1 - Castellanos

**Absent:** 0

**Abstain:** 0

**Recused:** 0

1. [2019-0047](#) ORDINANCE GRANTING AMENDMENT NO. 3 TO CONDITIONAL AGREEMENT WITH MITSUBISHI CEMENT CORPORATION TO EXTEND THE TERM OF THE CONDITIONAL AGREEMENT FOR THE PROPOSED CEMENT IMPORT TERMINAL IN WAREHOUSE C AT THE TENTH AVENUE MARINE TERMINAL, IN SAN DIEGO

On a motion by Commissioner Malcolm, seconded by Commissioner Merrifield, the Board adopted Ordinance 2936 as part of the consent agenda.

## **WORKSHOP**

2.        [2019-0074](#)        PRESENTATION AND DIRECTION TO STAFF ON THE PORT MASTER PLAN UPDATE:  
A) FOLLOW-UP ITEMS FROM THE FEBRUARY 12, 2019 WORKSHOP  
B) PLANNING COMMITMENTS AND PREVIOUS STUDIES FOR NORTH EMBARCADERO SUB-DISTRICT  
C) DRAFT POLICY CONCEPTS AND RECOMMENDED LAND AND WATER USE CONFIGURATION FOR NORTH EMBARCADERO SUB-DISTRICT

*Lesley Nishihira, Director, Planning, addressed the Board with staff's report and presentation regarding Action Agenda Item 2 - File No. 2019-0074 (A copy of the staff report, presentations and any agenda-related materials are on file with the Office of the District Clerk). Ms. Nishihira discussed Item A - Follow-up Items from the February 12, 2019 Workshop.*

*Commissioner Moore, Commissioner Merrifield, Commissioner Malcolm, and Commissioner Valderrama asked technical/clarifying questions. Lesley Nishihira responded.*

*The following member(s) of the public addressed the Board with agenda-related comments for Item A: Matt Everingham, Board Member, San Diego Fisherman's Working Group; Janet Rogers; Peter H. Flounoy, Commercial Fisherman Steering Committee; and Theresa Barnes, Founder, HearCommunication.*

*Commissioner Merrifield, Commissioner Malcolm, Commissioner Valderrama, and Chairman Bonelli provided comments and asked clarifying questions. Lesley Nishihira; Jason Giffen, Assistance Vice President, Planning & Green Port; Shaun Sumner, Assistant Vice President, Real Estate and Development; and Thomas A. Russell, General Counsel responded.*

*Lesley Nishihira then led the discussion regarding Item B - North Embarcadero Planning Commitments & Previous Studies/Concepts. Ms. Nishihira then turned the presentation to Scott Jordan, Civitas, to provide a refresher of the results of the public outreach recently conducted, as well as an overview of previous studies and concepts of the area. Mr. Jordan then turned the presentation to Jason Giffen to conclude staff presentation regarding Item B.*

*The following member(s) of the public addressed the Board with agenda-related comments for Item B: Mac McLaughlin, CEO, USS Midway; and Don Wood, San Diego Waterfront Coalition, C-3.*

*Commissioner Valderrama, Commissioner Zucchet, Commissioner Merrifield, Commissioner Moore, and Commissioner Malcolm provided comments and asked clarifying questions. Rebecca Harrington, Jason Giffen, Scott Jordan, and Thomas A. Russell, responded.*

*In the interest of time, Chairman Bonelli called for a recess for lunch and to adjourn to Closed Session. Chairman Bonelli advised the public that the Workshop will reconvene at 1:00 p.m.*

## **CLOSED SESSION**

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

[2019-0079](#)

Closed Session Item No. 1

### CONFERENCE WITH REAL PROPERTY NEGOTIATOR

Pursuant to Subdivision (d)(1) of Government Code Section 54956.8

Property: Approximately 1,586,203 square feet of tideland area located at 333 West Harbor Drive in the City of San Diego, California

Negotiating Parties:

Pacific Gateway, Ltd. dba San Diego Marriott Marquis and Marina -

Christopher Ostapovicz;

SDUPD - Shaun Sumner, Tony Gordon and Christian Anderson

*No reportable action was taken on this item.*

[2019-0075](#)

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.*

[2019-0076](#)

Closed Session Item No. 3

### CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

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

San Diego Waterfront Coalition v. City of San Diego; San Diego Unified Port District, et al.

San Diego Superior Court Case No. 37-2018-00031832-CU-MC-CTL

*No reportable action was taken on this item.*

[2019-0077](#)

Closed Session Item No. 4

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.*

*The Workshop reconvened at 1:05 pm.*

*Thomas A. Russell, General Counsel, announced that the Board considered Items 1 and 2 on the Closed Session Agenda, and discussion will continue on Item 1 and the remaining Closed Session items after the conclusion of this meeting.*

2.

[2019-0074](#)

PRESENTATION AND DIRECTION TO STAFF ON THE PORT MASTER  
PLAN UPDATE:

- A) FOLLOW-UP ITEMS FROM THE FEBRUARY 12, 2019 WORKSHOP
- B) PLANNING COMMITMENTS AND PREVIOUS STUDIES FOR NORTH EMBARCADERO SUB-DISTRICT
- C) DRAFT POLICY CONCEPTS AND RECOMMENDED LAND AND WATER USE CONFIGURATION FOR NORTH EMBARCADERO SUB-DISTRICT

*Jason Giffen announced that Scott Jordan, Civitas, will be presenting Item C - Draft Policy Concepts and Recommended Land and Water Use Configuration for North Embarcadero Sub-District.*

*Commissioner Merrifield asked a clarifying question, Mr. Jordan responded.*

*Mr. Jordan then turned the presentation back to Mr. Giffen to conclude staff presentation for Item C.*

*The following member(s) of the public addressed the Board with agenda-related comments for Item C: Bret Arriola, Vice President of Asset Management, RLJ Lodging Trust; Mac McLaughlin, CEO, USS Midway; Chris Neils, USS Midway; Ronne Froman-Blue, USS Midway; Susan Sirota, Vice President, Maritime Museum; Allison Rolfe, President, Collaborative Solutions, on behalf of Pacifica Companies; Ryan Karlsgodt, Unite Here Local 30; and Don Wood.*

*Commissioner Moore, Commissioner Malcolm, Commissioner Merrifield, Chairman Bonelli; Commissioner Zucchet, and Commissioner Valderrama provided comments and asked clarifying questions. Lesley Nishihira; Rebecca Harrington; Stephen Cook, Consultant, Chen Ryan Associates; Scott Jordan; Shaun Sumner; and Jason Giffen responded.*

*Randa Coniglio, President/CEO thanked staff for a great presentation and for all their hard work.*

*Jason Giffen, in closing, summarized comments received, and confirmed direction from the Board. Lesley Nishihira concluded the Workshop by providing next steps for the Port Master Plan Update process.*

*Thomas A. Russell, General Counsel announced that the Board is adjourning to Closed Session to consider Items 1 and 4.*

*Closed session adjourned at 4:30 pm. No reportable action was taken.*

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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*