



# San Diego Unified Port District

3165 Pacific Hwy.  
San Diego, CA 92101

## Special Meeting Minutes

### Board of Port Commissioners

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Thursday, September 10, 2020

10:00 AM

Don L. Nay Port Administration Boardroom

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#### Closed Session

#### A. Roll Call.

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

**Excused:** 0

**Absent:** 0

*Commissioner Merrifield was excused until he arrived at 10:17 am.*

*Officers Present: Coniglio, DeAngelis, Morales, and Russell*

#### B. Public Communications.

*The following member(s) of the public addressed the Board with agenda-related comments: Item 3 - File No. 2020-0325 - Danny Serrano, Environmental Health Coalition.*

#### CLOSED SESSION

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

1. [2020-0320](#) Closed Session Item No. 1

PUBLIC EMPLOYEE APPOINTMENT:  
EXECUTIVE DIRECTOR/PRESIDENT/CHIEF EXECUTIVE OFFICER  
Government Code Section 54957

To be effective upon future retirement of Executive Director/President/Chief Executive Officer.

*No reportable action was taken on this item.*

2. [2020-0328](#) Closed Session Item No. 2

PERSONNEL EVALUATION:

GENERAL COUNSEL

Government Code Section 54957

*No reportable action was taken on this item.*

3. [2020-0325](#) Closed Session Item No. 3

CONFERENCE WITH REAL PROPERTY NEGOTIATOR

Government Code Section 54956.8

Property: Approximately 194,000 square feet of land area located in Warehouse C at the Tenth Avenue Marine Terminal

Negotiating Parties:

Mitsubishi Cement Corporation - Mike Jasberg

SDUPD - Shaun Sumner, Tony Gordon, Ryan Donald, Chris Hargett, Joel Valenzuela, and Michael LaFleur

Under Negotiations: Price and Terms

*No reportable action was taken on this item.*

4. [2020-0326](#) Closed Session Item No. 4

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Significant exposure to litigation Government Code Section 54956.9(d)(2)

Cays Resort, LLC

By letter dated July 22, 2020, Rebecca L. Reed, an attorney with the Procopio law firm, acting on behalf of Cays Resort, LLC, alleged that certain District actions related to Cays' development proposal for its leasehold premises, and actions related to the designation of land uses, constitute a breach of lease, an anticipatory breach of lease, notice violations and an inverse condemnation of the premises.

*No reportable action was taken on this item.*

5. [2020-0324](#) Closed Session Item No. 5

CONFERENCE WITH REAL PROPERTY NEGOTIATOR

Government Code Section 54956.8

Property: SDUPD

Approximately 8,664 sqf of land area and approximately 133,755 sqf of

water area located at 1403 Scott Street, San Diego CA 92106;

Approximately 9,343 sqf of land area and approximately 140,138 sqf of water area located at 2803 Emerson Street, San Diego CA 92106;

Approximately 21,074 sqf of land area and approximately 165,024 sqf of water area located at 2838 Garrison Street, San Diego CA 92106;

Approximately 96,342 sqf of land area and approximately 163,172 sqf of water area located at 4960 North Harbor Drive, San Diego CA 92106;

Approximately 9,600 sqf of land area located at the Western end of the North Harbor Drive parking lot, near the intersection of North Harbor Drive and Scott Street;

Approximately 54,000 sqf of land area located at 4980 North Harbor Drive, commonly referred to as the Westy's Parking Lot;

Approximately 33,000 sqf of land area located at the Western section of the North Harbor Drive parking lot, adjacent to Sun Harbor Marina;

Approximately 51,000 sqf of land area located at the Eastern section of the North Harbor Drive parking lot, adjacent to Point Loma Marina;

Approximately 4,700 sqf of land area located at the Eastern section of the North Harbor Drive parking lot, adjacent to the Navy leased property located near the intersection of North Harbor Drive and Echo Lane.

Negotiating Parties:

Point Loma Sportfishing Association, Inc., dba Point Loma Sportfishing - Frank Lo Preste;

United Sportfishers of San Diego, Inc., dba H & M Landing - Frank Ursitti;  
Fisherman's Landing Corporation, dba Fisherman's Landing - Frank Lo Preste, Tim Ekstrom, and Doug Kern;

Point Loma Marina, LLC, dba The Wharf - Greg Boeh

SDUPD - Randa Coniglio, Shaun Sumner, Tony Gordon, Ken Wallis, and Christian de Manielle

Under Negotiations: Price and Terms

*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*