

**MINUTES  
BOARD OF PORT COMMISSIONERS  
SAN DIEGO UNIFIED PORT DISTRICT**

As previously posted, a special meeting of the Board of Port Commissioners of the San Diego Unified Port District was called to order by Chairman Cushman at 11:10 a.m., Tuesday, October 6, 2009, in the Board Room at 3165 Pacific Highway, San Diego, California.

**ROLL CALL**

Agenda Item 1.

Present: COMMISSIONERS Bixler, Burdick, Cushman, Padilla, Peters, Spane, and Valderrama  
OFFICERS Wurster, Bennett and Liner.

Absent: No Commissioners absent.

Excused: None.

**PUBLIC COMMENTS**

Agenda Item 2. None.

**CLOSED SESSION**

Duane Bennett, Port Attorney, announced the closed session agenda as follows:

Agenda Item 3.

CONFERENCE WITH REAL PROPERTY NEGOTIATOR  
Government Code Section 54956.8

Property: District Property:  
Approximately 35 acres of property located within the Harbor District of the Chula Vista Bayfront; located West of I-5, South of H Street, and North of J Street in Chula Vista, California.

Pacifica Companies Property:  
Approximately 97 acres located within the Sweetwater District of the Chula Vista Bayfront; located West of I-5, South of E Street, and North of F Street in Chula Vista, California.

Negotiating Parties: Ashok Israni, President, Pacifica Companies;  
Ellen Corey Born, Dirk Mathiasen, Paul Fanfera,  
Chris Hargett, SDUPD; Charles E. Black, CB Urban  
Development

Under Negotiation: Price and Terms

Agenda Item 4.

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION  
Pursuant to Subdivision (a) of Government Code Section 54956.9:

Alan Hirschfield and Nicole Hirschfield, et al. vs. SDUPD, Clyde Williams, et al.  
United States District Court, Southern District of California,  
Case No. 08 CV 2103 BTM (NLS)

Agenda Item 5.

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION  
Significant exposure to litigation pursuant to Subdivision (b)(1) of Government  
Code Section 54956.9:  
One Case

Agenda Item 6.

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Pursuant to Subdivision (a) of Government Code Section 54956.9:

SDUPD v. Argonaut Insurance Company, et al.  
San Diego Superior Court No. GIC 874394

Agenda Item 7.

CONFERENCE WITH REAL PROPERTY NEGOTIATOR

Government Code Section 54956.8

Property: Approximately 5,659 square feet of land and 170,270 square feet of water located in America's Cup Harbor at 2838 Garrison Street, San Diego

Negotiating Parties: Frank LoPreste, William Poole, Paul Morris, Principal Owners, Fisherman's Landing Corporation  
Ellen Corey Born, Randa Coniglio, Dirk Mathiasen, Annette Dahl - SDUPD

Property: Approximately 140,363 square feet of water located in America's Cup Harbor at 2803 Emerson Street, San Diego

Negotiating Parties: Phil Lobred, Secretary and Vice President, United Sportfishers of San Diego, Inc.  
Ellen Corey Born, Randa Coniglio, Dirk Mathiasen, Annette Dahl, SDUPD

Property: Approximately 133,867 square feet of water located in America's Cup Harbor at 1403 Scott Street, San Diego

Negotiating Parties: Frank LoPreste, William Poole, Principal Owners, Point Loma Sportfishing Association, Inc.  
Ellen Corey Born, Randa Coniglio, Karen Weymann, Dirk Mathiasen, Annette Dahl, SDUPD

Under Negotiation: Price and Terms

Agenda Item 8.

CONFERENCE WITH REAL PROPERTY NEGOTIATOR  
Government Code Section 54956.8

Property: Approximately 53,144 square feet of land located at  
4975 North Harbor Drive, San Diego  
(former Westys Lumberyard site)

Negotiating Parties: John Grimstad, Tom Driscoll, Point Loma Marina, LLC  
Ellen Corey Born, Randa Coniglio, Dirk Mathiasen,  
Annette Dahl, SDUPD

Under Negotiation: Price and Terms

Agenda Item 9.

CONFERENCE WITH REAL PROPERTY NEGOTIATOR  
Government Code Section 54956.8

Property: Approximately 11,882 square feet of land located in  
America's Cup Harbor at 2805 Emerson Street,  
San Diego

Negotiating Parties: Jack and John Christianson – Principal Owners,  
Mrs. Kelly's, Inc., dba Point Loma Seafoods,  
Ellen Corey Born, Randa Coniglio, Dirk Mathiasen,  
Annette Dahl, SDUPD

Under Negotiation: Price and Terms

Agenda Item 10.

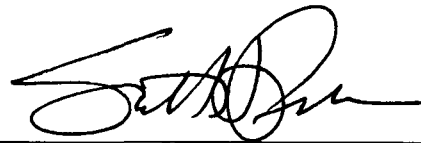
PUBLIC EMPLOYEE APPOINTMENT, PERSONNEL EVALUATION OR DISCIPLINE:  
EXECUTIVE DIRECTOR AND PORT ATTORNEY

Government Code Section 54957.6

Commissioner Burdick disclosed what she characterized as a potential conflict between her employer and Pacifica Companies and stated that she would recuse herself from the discussion regarding item 3.

Chairman Cushman requested and received confirmation from Port Attorney Bennett that it was good practice to have Commissioner Burdick's statement read into the record and/or there could also be a standing reference to the Commissioner's declaration for the minutes.

There was no formal or reportable action, pursuant to Government Code Section 54950 et seq to report from the closed session; whereupon, Chairman Cushman adjourned the meeting.



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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